
Board of Zoning Appeals Agenda

January 23, 2024

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

7756 Hartfield Place: Anthony Luca, property owner, request a variance to allow an addition to have a side yard setback of 7'9" where 15' is required per Schedule 151.1005 of the Montgomery Zoning Code.

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

Anthony W. Luca
7756 Hartfield Place
Montgomery Ohio 45242

(Property Owner)
513-305-0989

Date: 1/3/2024

Board of Zoning Appeals
City of Montgomery
10101 Montgomery Road
Montgomery Ohio 45242

Board of Zoning Appeals;

I am the property owner of 7756 Hartfield Place for the past 30 plus years.
I am requesting an ordinance variance to (Schedule 152.1005) which requires a 15 ft. side yard set back from the property line.

The reason for this request is for a proposed garage extension that will extend 20 ft. North to South from existing home structure which was built in 1954 with a side yard set back of 7 ft. 9 in.

The lot width is 73 ft. x 293 ft. long which does not comply with current lot width requirements of 80 ft.

The proposed garage extension will follow the existing side yard set back of the home and will not further exceed that set back as exists.

The reason for the proposed home modification for now is to shelter the household's vehicles and create more storage and work space.

Another reason for the modification is to provide future renovation possibilities such as laundry facility relocation to first floor, kitchen expansion and interior space open area etc.

While I may do or not do the future renovations, the next owner(s) of the property will have this option available which will enhance the property value.

The proposed garage extension will be constructed with similar architectural design and materials as the existing structure to ensure the neighborhood design theme integrity.

Thank you for your consideration of this ordinance variance request.

Respectfully,



Anthony W. Luca



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.

Multiple existing homes on Hartfield Place are built with 6 ft. to 8 ft. set backs which are now non conforming per latest schedule 152.1005 (15 ft. set back).

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

Unknown

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

The requested variance only extends existing structure forward (North to South) and will not further encroach on current set back.

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

No, the proposed expansion will match existing structure in regards to construction methods and appearance.

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

No



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

Did not know of zoning restraint at time of purchase.

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, this proposed expansion of the property frontage is the only feasible manner to expand the garage area while maintaining the existing neighborhood architectural theme.

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

Yes, the requested variance will not further encroach on current structure set back distance.

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

No, multiple existing homes on Hartfield Place have non conforming setbacks.



APPLICATION FORM

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

Project Address (Location): 7756 Hartfield Place

Project Name (if applicable): Front expansion, garage

Auditors Parcel Number: 603-003-0117-00

Gross Acres: .49 Lots/Units: 1 Commercial Square Footage: N/A

Additional Information: Single family dwelling

PROPERTY OWNER(S) Anthony W. Luca Contact: Anthony W. Luca

Address : 7756 Hartfield Place Phone: (513) 305-0989

City : Montgomery State : Ohio Zip: 45242

E-mail address ; tluca555@fuse.net

APPLICANT: __Property Owner 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: Anthony W. Luca

Date : 1/2/2024

Meeting Date: 1/23/24
Total Fee: \$300
Date Received:
Received By:



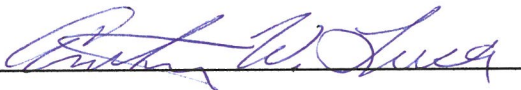
CONSENT OF OWNER(S) TO INSPECT PREMISES

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 7756 Hartfield Place, 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 Anthony W. Luca

Date 1/2/2024

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Catherine Mills Reynolds

Bob Saul

Jade Stewart

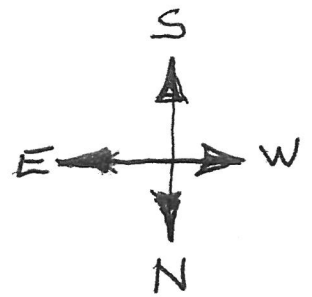
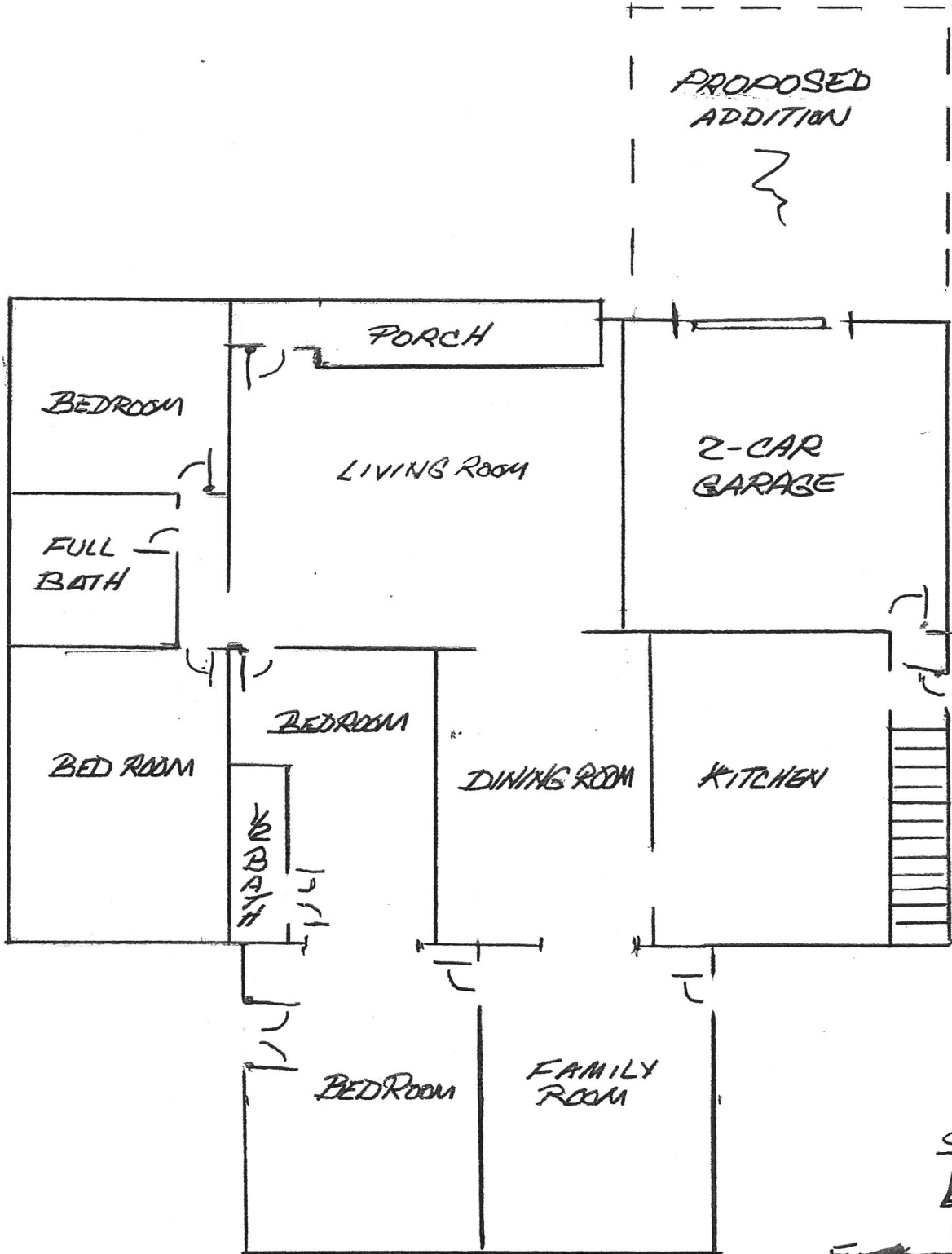
Steve Uckotter

Richard White

7756 HARTFIELD PLACE

1ST. FLOOR PLAN

N.T.S.



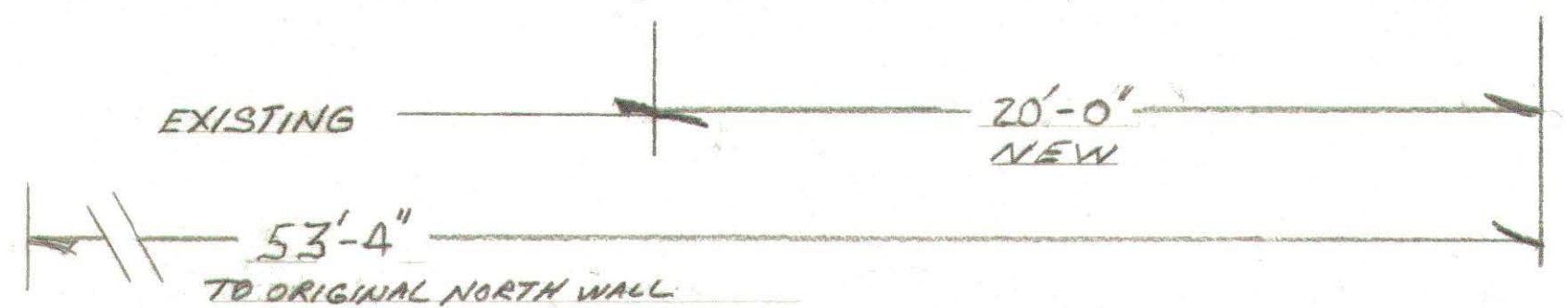
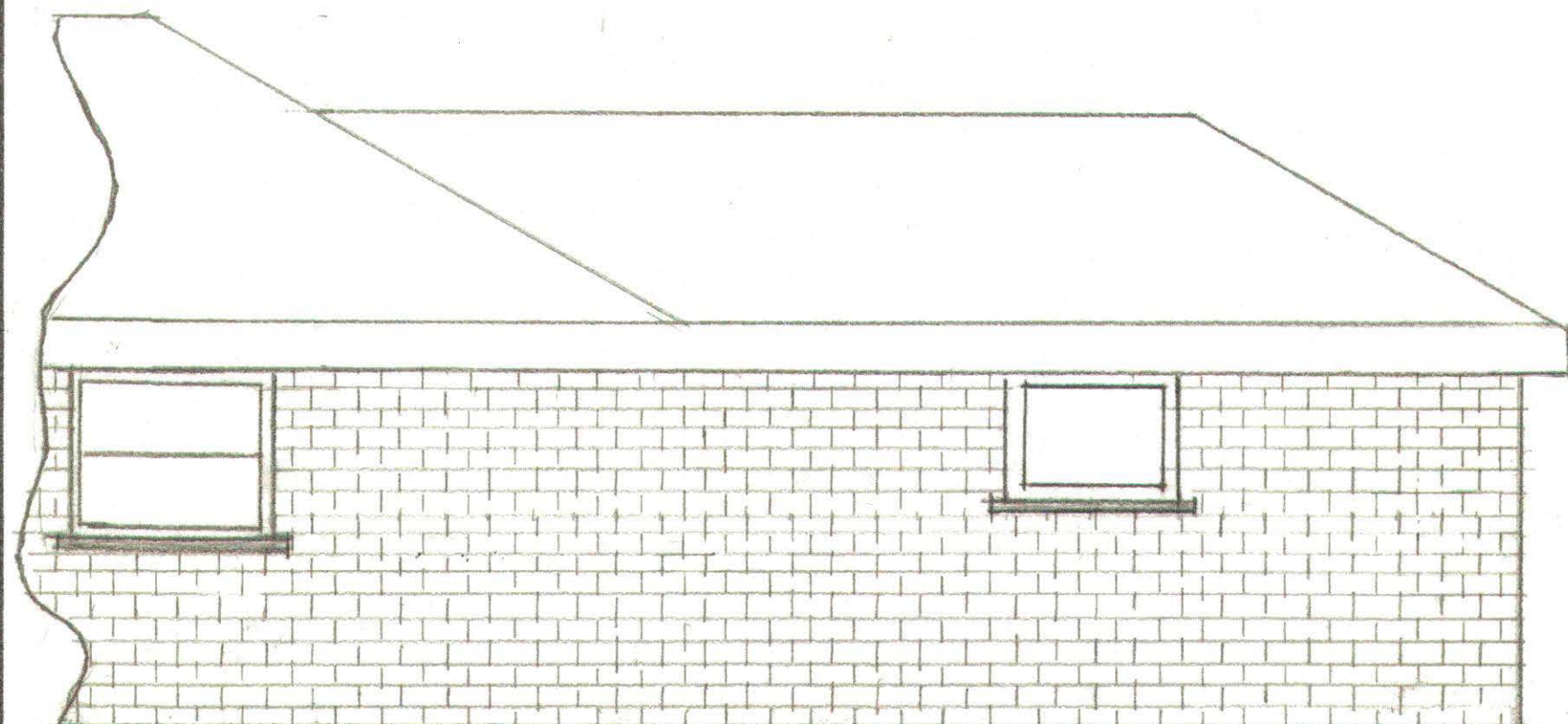
FP-01 1-1-2024

AWJL

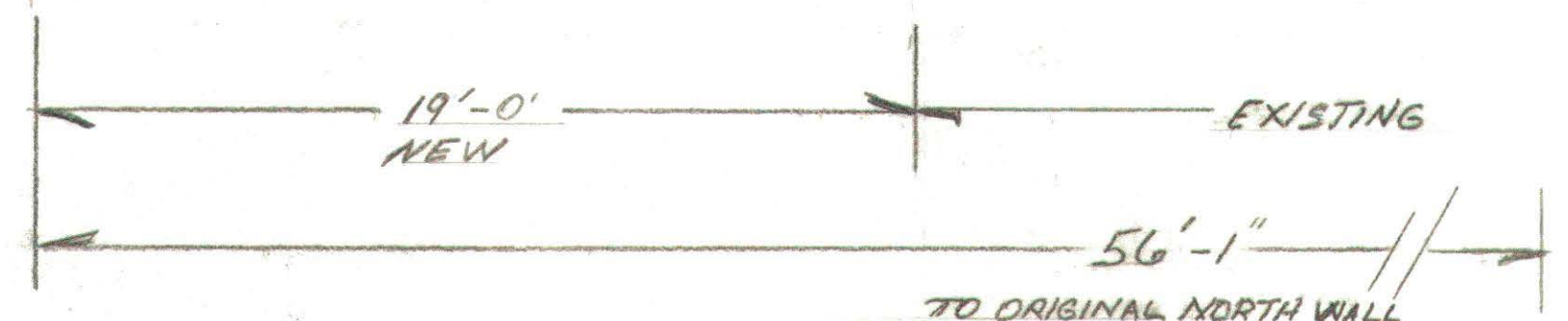
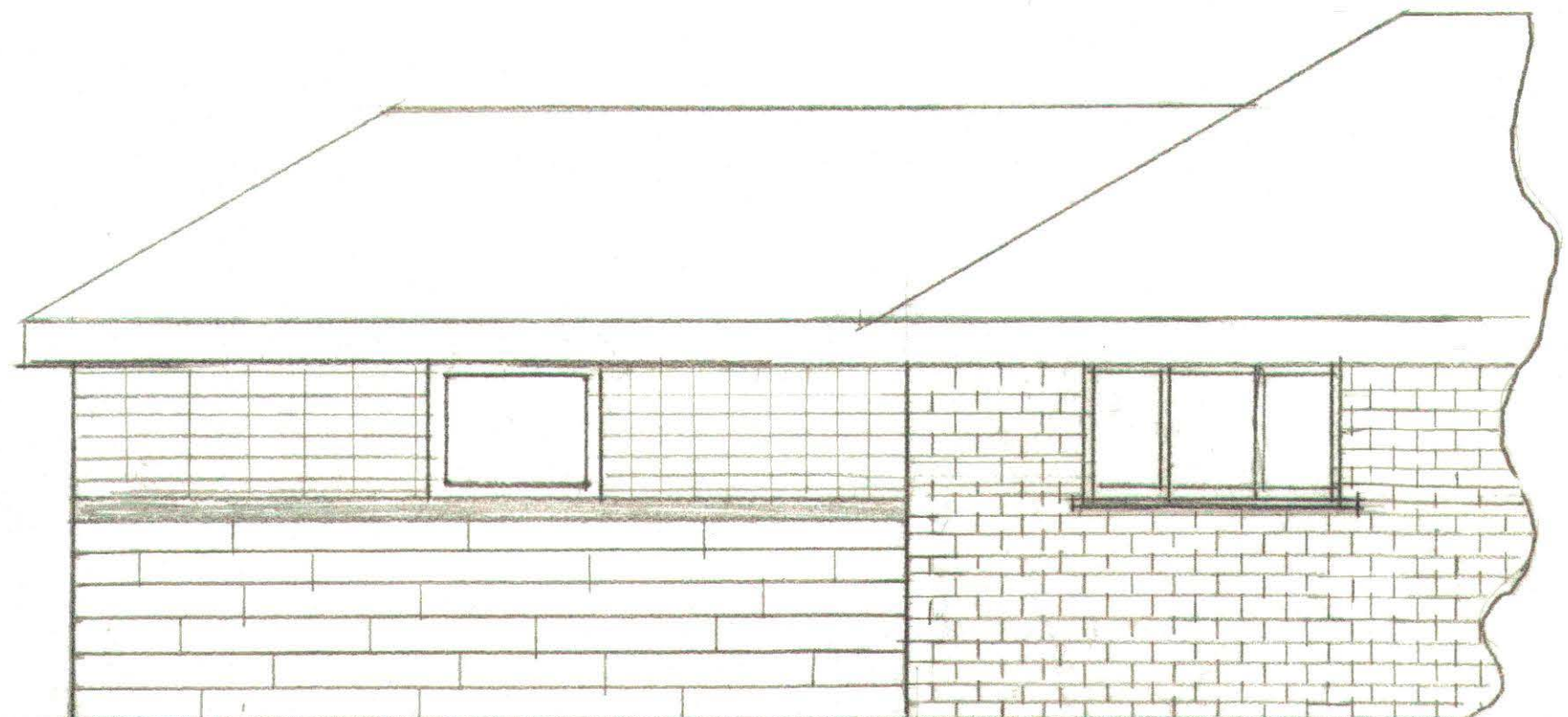




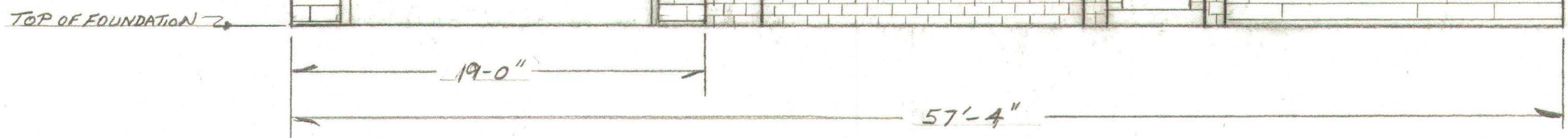
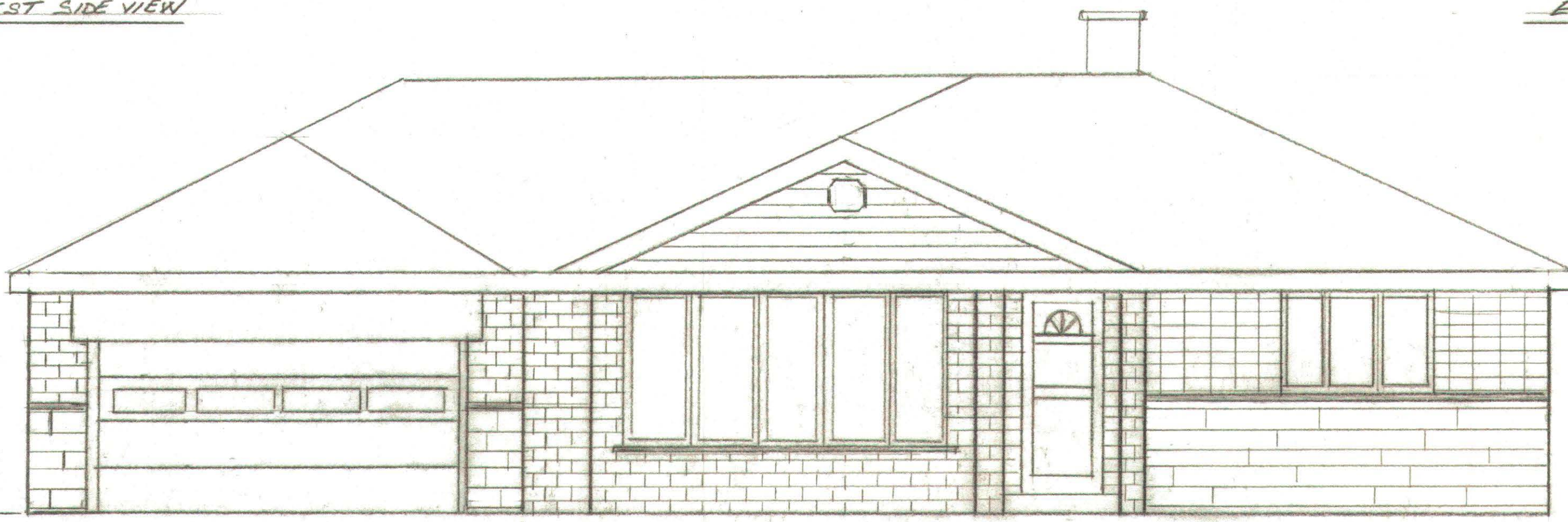




WEST SIDE VIEW



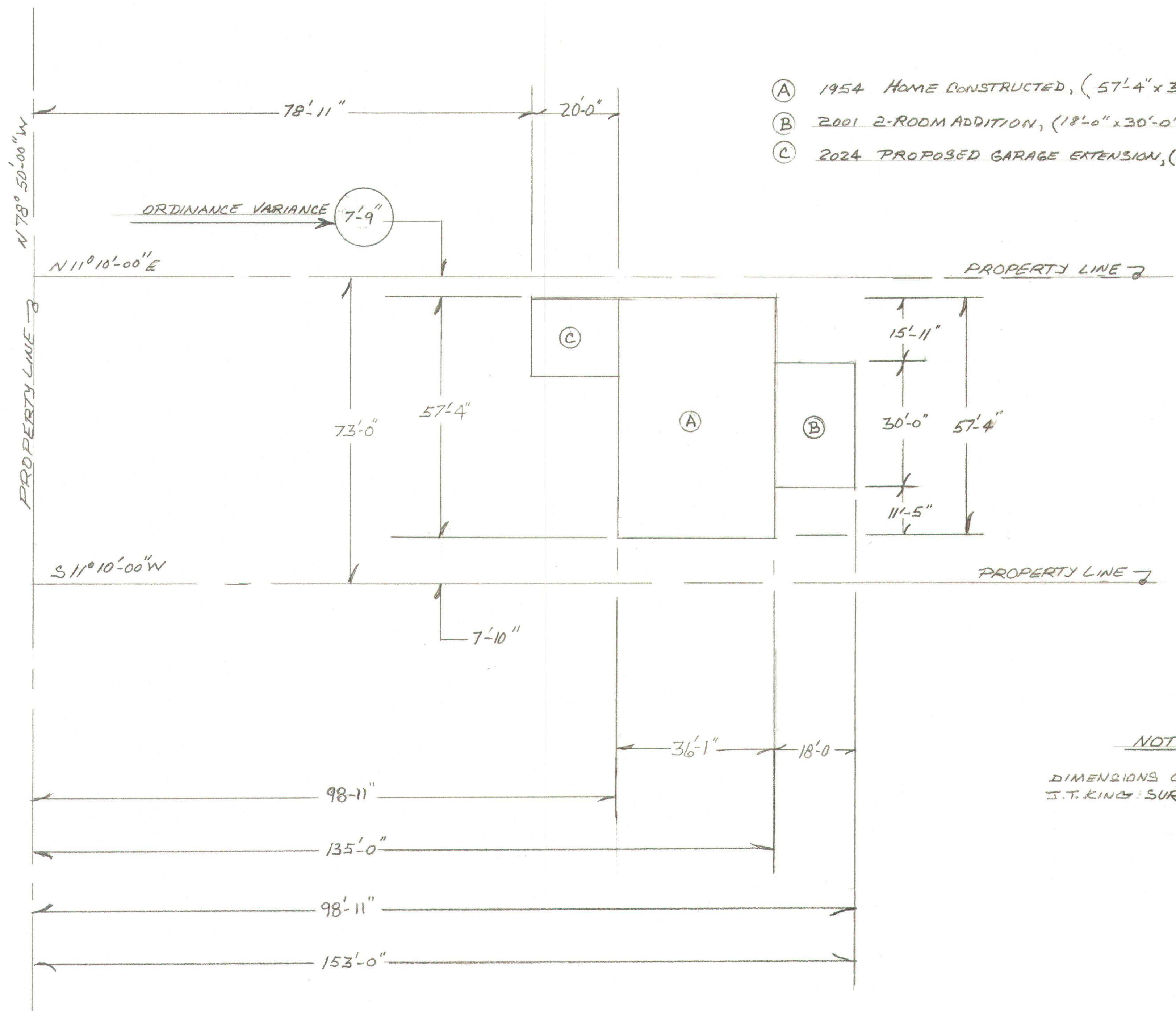
EAST SIDE VIEW



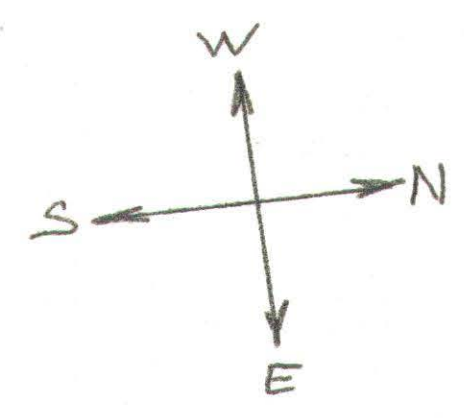
FRONT VIEW
(LOOKING NORTH)

NOTE
ADDITION EXTERIOR WALLS:
WIRE CUT BRICK AND SANDSTONE
(SIMILAR TO EXISTING STRUCTURE)

TOLERANCES EXCEPT AS NOTED	REVISIONS			2-CAR GARAGE ADDITION 7756 HARTFIELD PLACE (CONCEPT SUBMITTAL)
	NO	DATE	BY	
DECIMAL	1			DRAWN BY: A.W. LUCA SCALE: 1/4" = 1'-0" CHECKED: [Signature] DATE: 12-18-2023 APPROVED: [Signature] DRAWING NO: GA-01
±	2			
FRACTIONAL	3			
±	4			
ANGULAR	5			



- (A) 1954 HOME CONSTRUCTED, (57'-4" x 36'-1")
- (B) 2001 2-ROOM ADDITION, (18'-0" x 30'-0")
- (C) 2024 PROPOSED GARAGE EXTENSION, (19'-0" x 20'-0")



NOTE

DIMENSIONS GATHERED FROM
J.T. KING SURVEY, 1993, DWG. 9396-S

BOUNDARY SURVEY
(WITH ADDITIONAL INFO AND DIMENSIONS)

TOLERANCES EXCEPT AS NOTED	REVISIONS			2-CAR GARAGE ADDITION 7756 HARFIELD TRACE	
	NO	DATE	BY	SCALE	MATERIAL
DECIMAL	1			1/4" = 1'-0"	BOUNDARY CLARIFICATION
±	2				
FRACTIONAL	3				
±	4				
ANGULAR	5				
±				DRAWN BY A.W. LUCA	CHECKED DATE 12-20-2024
				TRACED	APPROVED
					DRAWING NO. BC-01

Application for Variance: 7756 Hartfield Place

January 23, 2024
Staff Report

Applicant: **Anthony Luca**
7756 Hartfield Place
Montgomery, Ohio 45242

Property Owner: **SAME**

Vicinity Map:



Nature of Request:

The applicant is requesting a variance to allow an addition to have a side yard setback of 7'9" where 15' is required per Schedule 152.1005. This addition is to an existing non-conforming structure.

Zoning:

This property is zoned 'A' single family residential and is being used for a single-family residence. All of the adjoining properties to the south, west, and east are also zoned 'A' single family residential and are being used for single family dwellings. The property to the north is zoned 'O', with a building occupied by CareCore.

Findings:

1. The existing single-family dwelling has a non-conforming side yard setback of 7'9" where 15' is required on the western side of the structure. Schedule 151.1005 of the Montgomery Zoning Code requires principal buildings to be a minimum of 15 feet from the side property line in the 'A' District.
2. The lot is non-conforming in lot width, with 73' where 80' is required per Schedule 151.1004.
3. The house was originally built in 1954 and has a finished floor square footage of 1,959 square feet and a two-car front facing garage.

Variance Considerations:

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

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

The house was originally built in 1954, around the time the first Montgomery Zoning Code was adopted. The existing structure has non-conforming side yard setbacks, with a western setback of 7'9" and an eastern setback of 7'10". In addition, the lot width is non-conforming with 73' where 80' is required.

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

Staff believes that the existing non-conforming side-yard setbacks and lot width create a difficulty for updating the house, which may have a negative impact on the rate of return for the property.

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

The amount of variance being requested is substantial, as the applicant is requesting a 51% reduction in the required side yard setback. However, Staff believes the applicant's request is overall not substantial, as the requested addition is proposed to be flush with the existing house.

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

Staff does not believe that the character of the neighborhood will be substantially altered by granting the side yard variance to increase the size of a non-conforming building, as many of the lots and homes in this subdivision have multiple non-conformities. The applicant is also requesting a single-story addition, which fits the overall character of this street, as a majority of the homes are ranches.

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

Government services would not be affected.

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

The owners were not aware of the zoning restraint.

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

No special conditions exist as a result of the owner.

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

The owner's predicament of enlarging the garage cannot be feasibly obviated through some other method. The owner is seeking to expand an existing garage, while maintaining the architectural integrity of the house.

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

The spirit and intent of Sections 151.5003 would not be preserved by granting the variances for the following reasons,

- a) The original building will not be made to conform to the setback regulations of the district in which it is located.
- b) The proposed expansion is not in compliance with the regulations of the district with regards to the side yard setback and;
- c) The proposed expansion does not reduce a non-conforming condition.

Despite these facts, Staff does not believe that it is the intent of the zoning code to inhibit improvements to an existing home, if the expansion would not be detrimental to the surrounding properties, and the expansion is reasonable. Staff is of the opinion the expansion of the existing structure is reasonable given the existing non-conformities of the property, as well as the non-conformities of houses throughout this subdivision.

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

Staff is of the opinion that granting the variance to allow the expansion of a non-conforming structure would not confer on the applicant any special privilege that is denied to other properties in the district, as a practical difficulty has been established for the subject lot and granting these variances would not negatively impact the neighborhood.

There have been a significant number of side yard setback variances approved for the expansion of legal non-conforming structures throughout the city. A majority of those were additions in line with the non-conforming existing structure in order for the addition to be flush.

Staff Comments and Recommendations

The applicant's request to expand the garage of a ranch built in 1954 is a reasonable expectation as part of an upgrade to the existing residence. Staff believes that the variance to allow for the expansion of a non-conforming building is appropriate, as the applicant is requesting an addition that will be flush with the existing setback of the house and is a single story. This proposed addition will also provide the applicant with additional space to potentially install a new laundry room, which would allow for single floor living to better age in place.

Staff believes that the layout of the existing house and its non-conforming lot width restrict the placement of an addition. Staff does not believe that the neighborhood would be negatively impacted by granting the variance, as many of the homes within this subdivision have legal non-conformities, and the applicant is requesting to expand the ranch home with a single-story addition.

Granting the variance for the expansion of a non-conforming building with a western side-yard setback of 7'9" in substantial compliance with the survey dated December 20, 2023 would be justified by criteria #1-10.

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

CITY HALL • 10101 MONTGOMERY ROAD • MONTGOMERY, OH 45242

November 28, 2023

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Debbie Edwards & Charlie Roumani 8851 Mayrow Drive Cincinnati, OH 45249	Bonnie & Matthew Lang 7840 Campus Lane, 45242	Melissa Hays, City Planner Karen Bouldin, Secretary
		<u>BOARD MEMBERS PRESENT</u>
Robert Gramann No address listed	William & Jamie Palmer 11740 Laurelview Dr., 45249	Mary Jo Byrnes, Chairman Richard White, Vice-Chairman Tom Molloy
		Bob Saul
Bill Haussler 4830 Jessup Cincinnati, OH 45247	Sarah Rumpke 10114 Woodfern Way, 45242	Jade Stewart Steve Uckotter
		<u>MEMBERS NOT PRESENT</u>
Steven Karoly, RA 7458 Dawson Road Cincinnati, OH 45243	Ruth Sproull 7786 Cooper Rd., 45242	Catherine Mills-Reynolds

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: Mr. Uckotter, Mr. White, Mr. Saul, Mr. Molloy, Ms. Stewart,**
Chairman Byrnes (6)
ABSENT: Ms. Mills-Reynolds (1)

Chairman Byrnes stated that Catherine Mills-Reynolds has resigned from the Board due to her recent election onto City Council, effective December 31, 2023. Staff and all members shared their appreciation for her contributions this past year.

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 three public hearings. A public hearing is a collection of testimony

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Board of Zoning Appeals Meeting

November 28, 2023

28 from City Staff, the applicant, and anyone wishing to comment on the case. All discussions by
29 the Board of Zoning Appeals and all decisions will take place within the business session of this
30 meeting, which immediately follows the public hearing. Everyone is welcome to stay for the
31 business session of the meeting, however, the Board will not take any further public comment
32 during the portion of the meeting, unless clarification is needed by a Board member.
33

34 Chairman Byrnes noted that anyone not agreeing with the Board's decision has the option of
35 appealing to Hamilton County Common Pleas Court, under the procedures established by that
36 court.
37

38 She asked all guests to turn off their cell phones.
39

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

Guests and Residents

44 Chairman Byrnes asked if there were any guests or residents who wished to speak about items
45 that were not on the agenda. There were none.
46

New Business (1)

48 *A request for a variance from property owners, Matthew and Bonnie Lang, 7840 Campus
49 Lane to allow for a new detached structure, 13 feet x 23 feet, to have a side yard setback of
50 10 feet, where 15 feet is the minimum required, per Schedule 151.1009(B) of the Montgomery
51 Zoning Code.*
52

Staff Report

54 Ms. Hays reviewed the Staff Report dated November 28, 2023 "Application for Variance:
55 Matthew and Bonnie Lang".
56

57 She showed drawings on the wide screen for all to see, to provide more understanding of the
58 Staff Report. She indicated that there had been no calls or emails received regarding this
59 application.
60

61 Ms. Hays asked if the Board had any questions. There were none.
62

63 Chairman Byrnes asked if the applicant wished to speak.
64

65 **Matthew Lang, 7840 Campus Lane, Montgomery, OH 45242** stated that they recently moved
66 into this home, and have contracted with Legacy Builders to make some design changes. They
67 would like to stay in their home long-term. They would like to make it easier to age in place.
68 They did look at several different options including a front and side location, and each of them
69 affected the home and the trees, and other areas into which they could not expand. The one-car
70 detached garage would make it easier for them, and for the design plan. He asked for any
71 questions.
72

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Board of Zoning Appeals Meeting

November 28, 2023

73 Mr. Uckotter referred to the weak tree that was located at the proposed front of the garage; he
74 asked if it would be taken down. Mr. Lang stated that it will be taken down, as it is hollow in the
75 center. He pointed out two other trees in the front that he did not want to disturb – they were
76 planted when the original owner had the home built: a giant oak tree and a white pine. This is
77 why they did not build forward, because they would be at risk of losing the trees.

78
79 Mr. Molloy asked if he anticipated an addition onto the house, at some point in the future.
80 Mr. Lang stated not, that it is the opposite -- they are looking to downsize. He explained that
81 when the addition was put on in 1953, they didn't match the floors, so Mr. Lang plans raise it
82 and make it one level floor, which then affects entering the current single-car garage – different
83 floor heights. We want to bring the laundry room upstairs, to keep the necessities all on one
84 floor, including a single bedroom on the first floor.

85
86 Mr. Saul congratulated Mr. Lang for trying to get all of the floors level, as it is very important,
87 for the future.

88
89 Mr. Molloy asked Staff if the size of the proposed garage was appropriate for a single-car garage.
90 Ms. Hays stated that it was fairly standard, 13 feet by 23 feet. For a point of reference, she stated
91 that a parking space was 9 feet x 19 feet.

92
93 Chairman Byrnes asked if any guests or residents had comments. There were none.

Adjournment

94
95 Mr. White moved to close the public hearing.

96 Mr. Uckotter seconded the motion.

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

98
99

100 Chairman Byrnes opened the business session at 7:15p.m.

101

Business Session (1)

102 *A request for a variance from property owners, Matthew and Bonnie Lang, 7840 Campus*
103 *Lane to allow for a new detached structure, 13 feet x 23 feet, to have a side yard setback of*
104 *10 feet, where 15 feet is the minimum required, per Schedule 151.1009(B) of the Montgomery*
105 *Zoning Code.*

106
107

108 Mr. Saul was in favor of this application.

109

110 Mr. Molloy stated that he heard them say they had done due diligence in looking at alternative
111 spaces. He felt that they made good compromises on the garage; he also believed there were
112 practical difficulties that were addressed in Staff's Report regarding the size of the property, the
113 location, the trees and the location of the house, and where they could place the garage. He was
114 in favor of these variances.

115

116 All other Board members were in agreement.

117

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November 28, 2023

118 *Mr. Molloy moved to approve the request for a variance from Legacy Builders Group,*
119 *7791 Cooper Road, Suite G, Montgomery, Ohio 45242 for the property located at*
120 *7840 Campus Lane, Montgomery, Ohio 45242, owned by Matthew and Bonnie Lang, to allow*
121 *for a side yard setback of 10 feet, along the west property line, where 15 feet is the minimum*
122 *required, per Schedule 151.1009 (b) of the Montgomery Zoning Code, as described in the City*
123 *of Montgomery Staff Report, dated November 28, 2023.*

124

125 *This approval is in accordance with site plans dated March 2023.*

126

127 *This approval is justified by criteria # 1, 2, 3, 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: Mr. Uckotter, Mr. White, Mr. Saul, Mr. Molloy, Ms. Stewart, Chairman Byrnes (6)*

135 *NAY: (0)*

136 *ABSENT: Ms. Mills-Reynolds (1)*

137 *ABSTAINED: (0)*

138

139 *This motion is approved.*

140

Adjournment

142 Mr. Saul moved to close the business session.

143 Mr. White seconded the motion.

144 The business session adjourned at 7:20p.m.

145

146 Chairman Byrnes opened the public hearing at 7:20p.m.

147

New Business (2)

149 *A request for a variance from Steve Karoly, RA, on behalf of Nancy Habegger, property owner*
150 *of 10204 Glenash Court, to allow an addition to have a rear setback of 30.3 feet, where*
151 *Schedule 151.1005 of the Montgomery Zoning Code requires a minimum rear yard setback of*
152 *35 feet in the "A" District. A second variance is being requested to allow the addition to have*
153 *a side setback of 9.2 feet, where 15 feet is required, per Schedule 51.1005 of the Montgomery*
154 *Zoning Code.*

155

Staff Report

157 Ms. Hays reviewed the Staff Report dated November 28, 2023, "Application for Variance: 10204
158 Glenash Court".

159

160 She showed drawings on the wide screen for all to see, to provide more understanding of the
161 Staff Report.

162

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163 Ms. Hays asked if the Board had any questions.

164

165 Ms. Stewart asked for the dimensions of the room. Ms. Hays stated she did not have the exact
166 dimensions; the longest section was roughly 29.3 feet, and the width was 19.8 inches. This is
167 shown on page A3, which showed the foundation, and page A4 detailed the floor plan.

168

169 Mr. Molloy asked if there was any other sizing evaluated, other than what was proposed.

170 Ms. Hays was not aware of any, but deferred to the applicant.

171

172 Chairman Byrnes asked if the applicant wished to speak.

173

174 **Bob Gramann** introduced Steve Karoly, noting they were both architects. He noted that he had
175 assisted in the construction of this home, and then 10-15 years later, they built a very nice
176 addition on the rear of the home. He felt that this proposed application would blend in well.

177

178 **Steven C. Karoly, RA, 7458 Dawson Road, Cincinnati, OH 45243** referred to the earlier
179 question from Ms. Stewart, and he stated that the bedroom proper was 14 feet by 19 feet, and
180 that included the exterior thickness of the wall, which was approximately 8 inches. The reason
181 for the 29 feet is because of how it is nested with the existing building, and that becomes a
182 corridor to the bedroom, and a bathroom and a closet. Laying out the spaces, he noted that it was
183 a one-story structure, so it was not towering over the adjacent properties. They kept it a one-
184 story structure tucked into the existing house and they worked around existing windows and
185 other aspects of the existing structure. He pointed out that this was the only location that they
186 could really place the bedroom without interrupting other rooms in the house, or closing off
187 windows.

188 He asked for any questions.

189

190 Mr. Molloy wanted to clarify that they were eliminating the stairs from their use, not from the
191 home. Mr. Gramann confirmed, stating that there were 4 bedrooms on the second floor.

192 Mr. Karoly stated that they looked at other rooms in the house that could be converted into a
193 master bedroom, and it would disturb the entire first floor living conditions.

194

195 Mr. Molloy asked if any other accommodations were being made for possible future needs in this
196 design to allow for walkers, wheelchairs, or roll-in showers. Mr. Karoly stated that the shower
197 was a roll-in and the doors were 3 feet wide, instead of the traditional 30 inches. Their bedroom
198 is located off of the large family room that had been added about 20 years ago. It had the
199 minimum threshold from the patio and the driveway, so they can place a small ramp there,
200 instead of a large one in the front. Basically, this will be one floor that they can live in, and other
201 family members could use the bedrooms upstairs.

202

203 Mr. Molloy asked if the interior dimensions of the master bedroom was 507 square feet, or if that
204 number included the bathroom, closet and hallway. Mr. Karoly stated that measured to the
205 outside – it included the bedroom, the hallway, the closet and the bath.

206

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207 Mr. Molloy noted that there were 3 HVAC units outside; he asked if they will need to add
208 another one for this addition. Mr. Gramann stated that he had discussed this with the applicant,
209 who owns Byrant/Habegger Heating and Air Conditioner, and they have figured this out.
210 Mr. Karoly stated that the current HVAC equipment is within the setbacks, and no additional
211 units would be installed outside of the setbacks.

212
213 Ms. Stewart asked if the room size could be smaller, to minimize or eliminate the variance.

214
215 Mr. Karoly stated that currently, the width of the room would only include a king size bed and
216 two end tables, so they can't really reduce the side yard setback. For the rear yard setback, it is
217 about the corridor and the closets. What you don't see in this plan, is a large chimney and
218 fireplace that he pointed out on the diagram on the wide screen. He noted that the entry into the
219 corridor is off of an existing door that is in the existing structure, so they can't really move the
220 wall any closer, without having to take down the entire chimney.

221
222 Mr. Uckotter asked if they could use part of the family room, as part of the bedroom; he noted
223 that was a very large family room. Mr. Gramann stated that they have 6 children, and that is why
224 it is a large room, to allow for their gatherings. Mr. Karoly stated that with any use of the
225 existing family room, they are still limited by the existing door there, that goes into the addition.
226 Even if they took some space from the family room, it would not allow them to reduce the size of
227 the bedroom, closet or bathroom. Ms. Hays pointed out a very large window, which Mr. Karoly
228 stated was at least 6 feet wide.

229
230 Mr. Karoly pointed out the dash line on the site plan -- in the rear of their yard, they own a larger
231 parcel behind that, so it could be confusing as to exactly where the rear yard setback is, on this
232 property. He pointed this out on the wide screen, showing the original rear yard setback.

233
234 Mr. Gramann pointed out for any of the members who visited this home, that the property line
235 was actually where the creek was. He stated that they actually purchased the back lot from the
236 Jewish cemetery, which used to be adjacent to it. Several Board members had been to the home.

237
238 Mr. White asked if it would reduce the setbacks, if the applicant combined the two parcels into
239 one lot. Ms. Hays stated that it would not.

240
241 Mr. Molloy asked if there were any other dimensions for the interior space. Mr. Karoly stated
242 that the bedroom was approximately 14 feet by 19.8 feet. The closet was 6 feet wide and 8 feet
243 deep, nestled in the corner; and the bathroom was the minimum size for a walker, tight for a
244 wheelchair.

245
246 Mr. Uckotter asked about the family room, about bumping out the living room into the front.
247 Mr. Gramann stated that they did discuss it. He showed all on the wide screen, the rooms; he
248 stated that the applicant felt it would violate the value of the home considerably, as the rooms
249 were a formal space.

250

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Board of Zoning Appeals Meeting

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251 Mr. Uckotter recognized that there was a tree and the patio, but asked what was preventing them
252 from building in that area. Mr. Gramann pointed out that it was a very nice, large outside patio
253 which they would utilize for outside entertainment. Mr. Karoly stated that if you put an addition
254 on that side of the home, it would then become a windowless kitchen.
255

256 Mr. Karoly stated that it is one of those pie-shaped, cul-de-sac lots, which are difficult to build
257 on, let alone put an addition onto. For the other adjoining properties, it may look like it is in
258 their side yards, but it is actually in their back yard. The neighbor that is most impacted, had
259 been contacted, and they were in favor of this proposal.
260

261 Ms. Hays showed a diagram of how the property lines were laid out. Mr. Gramann spoke to
262 each of the surrounding homes, pointed out the proposed addition, and how it related to the other
263 homes and the tree lines.
264

265 Chairman Byrnes asked if any guests or residents had comments. There were none.
266

Adjournment

268 Mr. Saul moved to close the public hearing.

269 Mr. Uckotter seconded the motion.

270 The public hearing adjourned at 7:45p.m.
271

272 Chairman Byrnes opened the business session at 7:45p.m.
273

Business Session (2)

275 *A request for a variance from Steve Karoly, RA, on behalf of Nancy Habegger, property owner*
276 *of 10204 Glenash Court, to allow an addition to have a rear setback of 30.3 feet, where*
277 *Schedule 151.1005 of the Montgomery Zoning Code requires a minimum rear yard setback of*
278 *35 feet in the "A" District. A second variance is being requested to allow the addition to have*
279 *a side setback of 9.2 feet, where 15 feet is required, per Schedule 51.1005 of the Montgomery*
280 *Zoning Code.*
281

282 Mr. Molloy had no doubt that this would be a beautiful addition; he did not feel it would have
283 any impact on the neighbors. He was struggling with finding any practical difficulties, to allow
284 for the size of this addition. He is leaning towards the chimney placement, and the doorway
285 sizes, and the design considerations for older people, as reasons for unique situations.
286

287 Mr. White agreed with Mr. Molloy, pointing out that the bathrooms needed to be larger, and they
288 couldn't get by with a 10 x 12 bedroom. He felt this would qualify as a practical difficulty.
289

290 Mr. Uckotter also had concerns with finding a practical difficulty. He felt that the placement
291 juttied out too far and that there were other areas that could flow properly. He has also seen
292 completely separate suites added, separate from their homes. There are also other options –
293 elevators and other ways. He stated that it was already a large house with four bedrooms, and he
294 felt they were actually *creating* a practical difficulty.
295

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296 Mr. Molloy understood, and agreed that it could be quite workable on a smaller footprint, to be
297 kept within the setbacks.

298
299 Chairman Byrnes pointed out the changing land use requirements, and that there is little or no
300 space to build in Montgomery anymore. She felt that we needed to revisit the Zoning Code to
301 amend some of these things that don't reflect the current trends of building, and people wanting
302 to age in place. She understood the intent of setbacks as they applied to an open entertainment
303 space – that would interfere with your neighbors. She felt that because this was a room, it
304 wouldn't be noisy or intrusive. She was in favor of this application, to allow the City of
305 Montgomery to grow and allow residents to stay in place. She didn't feel that Montgomery does
306 enough to allow our residents to age in place.

307
308 Mr. Molloy asked the applicant if they thought about putting in an elevator. Mr. Gramann stated
309 that they did not look at an elevator, as they were interested in having everything on the first
310 floor. Mr. Karoly noted that in order to put in a lift or an elevator, they would need to sacrifice
311 one of the rooms on the first floor and one of the bedrooms on the second floor.

312
313 Chairman Byrnes felt that an elevator would destroy the aesthetics of the home for a future sale.
314 She felt that Council needed to look at some of these things. She didn't feel that this would
315 impact anyone and that there was enough uniqueness in this situation that it would not set a
316 precedent. Mr. White noted that it was probably 150 feet from the street.

317
318 Mr. Molloy agreed with these points, but felt that we needed to identify a practical difficulty.
319 He reiterated his earlier stated reasons: the chimney placement, the doorway sizes, and the design
320 considerations for older people.

321
322 Ms. Stewart felt that the applicant met the criteria, and had established a practical difficulty –
323 they looked at other areas of the home, they can't take out the chimney, or eliminate the
324 windows in the kitchen.

325
326 Mr. Uckotter did not believe that aging in place should enter in this decision. There was more
327 discussion, and it was determined that the setback was the consideration, and the type of room
328 (because it was a bedroom) also had relevance, as the practical difficulty was influenced by that.

329
330 Mr. Molly questioned if this was the minimum necessary, as he had not seen the layout.

331 Ms. Hays stated that the floor plan was in the Board's packets.

332
333 ***Mr. Molloy moved to approve the request for a variance from Steve Karoly, RA, 7458 Dawson***
334 ***Road, Cincinnati, Ohio 45243, for the property located at 10204 Glenash Court, Montgomery,***
335 ***Ohio 45242, owned by Nancy Habegger, to allow a rear setback of 30 feet 3 inches, where***
336 ***Schedule 151.1005 of the Montgomery Zoning Code requires a minimum rear yard setback of***
337 ***35 feet in the "A" District; as described in the City of Montgomery Staff Report, dated***
338 ***November 28, 2023.***

339
340 ***This approval is in accordance with the survey dated October 10, 2023.***

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

Mr. White seconded the motion.

The roll was called and showed the following vote:

- AYE: Mr. White, Mr. Saul, Mr. Molloy, Ms. Stewart, Chairman Byrnes (5)*
- NAY: Mr. Uckotter (1)*
- ABSENT: Ms. Mills-Reynolds (1)*
- ABSTAINED: (0)*

This motion is approved.

Mr. Molloy moved to approve the request for a variance from Steve Karoly, RA, 7458 Dawson Road, Cincinnati, Ohio 45243, for the property located at 10204 Glenash Court, Montgomery, Ohio 45242, owned by Nancy Habegger, to allow a side yard setback along the south property line of 9 feet 2 inches, where Schedule 151.1005 of the Montgomery Zoning Code requires a minimum rear yard setback of 15 feet in the "A" District; as described in the City of Montgomery Staff Report, dated November 28, 2023.

This approval is in accordance with the survey dated October 10, 2023.

This approval is justified by criteria # 1, 4, 5, 7, &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:

- AYE: Mr. Saul, Mr. Molloy, Ms. Stewart, Mr. White, Chairman Byrnes (5)*
- NAY: Mr. Uckotter (1)*
- ABSENT: Ms. Mills-Reynolds (1)*
- ABSTAINED: (0)*

This motion is approved.

Adjournment

Mr. Molloy moved to close the business session.
Mr. Saul seconded the motion.
The business session adjourned at 8:00p.m.
Chairman Byrnes opened the public hearing at 8:00p.m.

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386 **New Business (3)**

387 *A request for a variance from CR Middletown, LLC, property owner of 10209 and 10211*
388 *Hightower Court, to allow a proposed two-family dwelling to have an internal side yard*
389 *setback of 0 feet, where 10 feet is required, per Scheduled 151.1005 of the Montgomery*
390 *Zoning Code. Additional variances are being requested to allow for the proposed subdivided*
391 *lots to each have a lot width of 44.8 feet (10211) and 54.31 feet (10209), where 65 feet is*
392 *required, per Schedule 151.1004 of the Montgomery Zoning Code.*

393 **Staff Report**

394 Ms. Hays reviewed the Staff Report dated November 28, 2023, “Application for Variance:
395 CR Middletown LLC, at 10209 and 10211 Hightower Court”. Staff indicated that she had
396 received an email from Niki Trent (included in the Board’s packets), who was opposed to this
397 variance.
398

399 Ms. Hays showed drawings on the wide screen for all to see, to provide more understanding of
400 the Staff Report.
401

402 Ms. Hays asked if the Board had any questions.
403

404 Ms. Stewart asked if she was able to speak with the Trents, to understand their concerns.
405 Ms. Hays stated that she responded to their email, because she believed there was confusion
406 regarding their understanding of the purpose of the variance. Ms. Stewart did not understand
407 how their concerns would be impacted by this variance, and agreed with Ms. Hays. It seems that
408 the granting of this variance would actually be in favor of their request because it would
409 contribute to property ownership, as opposed to rentals. Ms. Hays confirmed, and stated that in
410 her email to Niki Trent, she explained that currently, each unit’s price point is \$550,000; and that
411 a unit at this price does not lend itself to a rental unit. Ms. Hays stated that she did not actually
412 speak with them.
413

414 Ms. Hays deferred to the applicant, but understood that there would be documents attached to the
415 property that do not allow for rental.
416

417 Mr. Molloy noted a date correction for the Staff Report - that it should read November 28, 2023.
418 Mr. Molloy stated that he was shocked that this unit was built; he didn’t understand the process
419 of how it got to this point.
420

421 Ms. Hays stated that it was permissible for them to build a two-family on one lot. She explained
422 that you can build a two-family on a single lot in the “C” district. This is currently a legal build,
423 in every way, and did not require a variance. She noted that this was very unique because
424 typically, you don’t see a two family, as a side-by-side rental. And now, the applicant wants to
425 make it two lots. Ms. Hays explained that City Staff have discussed this internally, and will
426 suggest a recommendation for a text amendment in the Zoning Code, which will go before the
427 Planning Commission.
428

429

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430 Mr. Molloy believed that one half of the lot was the owners, and was for sale for \$556,000.
431 Ms. Hays stated that both lots were for sale, and one was pending. She stated that the developer
432 owned the land, and the sale is probably pending upon the approval of this variance; and then
433 they will be able to sell each lot individually.

434
435 Chairman Byrnes asked how these buildings will be listed on the Auditor's Site (home or condo
436 or?). Ms. Hays was unsure; she noted that the other two-families on High Tower were listed as
437 condominiums.

438
439 Ms. Hays stated that another comparison would be with be with the Robert Lucke properties
440 across the street. They have property lines that run through the buildings as well – she was
441 unsure how they were listed on the Auditor's Site.

442
443 Ms. Hays indicated that Lucke properties did not have to come before this Board because it was
444 a built as a PUD (Planned Unit Development). To be classified as a PUD, it requires 4 or 5
445 acres; the PUD allowed them to avoid all of the setbacks. It is zoned the same as this application
446 – C District, but the difference is that it is a PUD.

447
448 Chairman Byrnes noted that this would be considered a difference without a distinction. It is a
449 difference to the owners, and nothing else.

450
451 Mr. Molloy stated that regarding precedence, Ms. Hays referenced 10275 Montgomery Road in
452 August of 2022, where the applicant wished to split the lot into two with attached single family
453 dwellings. Ms. Hays stated that, in actuality, it did not get built – there is no house there. It may
454 be confusing, as the corner house had been listed for sale, but it was not the house in question.
455 Ms. Hays stated that the Ashford Homes lot is next to the corner house, and it was approved by
456 BZA to split it, but they actually ended up not moving forward because the cost to connect into
457 the sewer on Montgomery Road was too expensive.

458
459 Mr. Molloy stated that he looked up 10275 online, and there was a picture of a home, saying it
460 was just completed. Chairman Byrnes, given her realtor experience, pointed out that it was a
461 virtual picture – it is supposed to say “virtual”, but they don't always. Ms. Hays agreed.

462
463 Mr. Uckotter stated that the Lucke homes on Montgomery Road are described on the Auditor's
464 site as single family lots.

465
466 Mr. Saul stated that this was the only time where we had a zero foot setback, and he felt this was
467 wrong to not have some distance between your neighbors. He was not in favor of this.

468
469 Ms. Hays clarified that both this street and the Lucke section on Montgomery Road has a zoning
470 classification is C District, which allows for a higher density, including 2-family units.

471
472 Chairman Byrnes asked if the applicant wished to speak.

473

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474 **Charlie Roumani, 8851 Mayrow Drive, Cincinnati, OH 45249** stated that it was a very
475 difficult and challenging lot to build on – it took a lot of work and input from the City, Zoning
476 and his engineer. He pointed out that they built it, based on an ADA (Americans with Disabilities
477 Act) concept, with everything on the first floor, even though it is a 3 story. They tried to mimic
478 what the Lucke Group did on Montgomery Road. He noted that in the Vintage Club, on
479 Montgomery Road, there are condos on top of each other, and they were permitted by zoning.
480 Mr. Roumani stated that he also tried to buy property from the gentleman who recently had a
481 variance approved across the street on Hightower (Mr. Sluka).

482
483 Mr. Molloy stated that we have a significant request for the lot width. He asked if it would
484 change the footprint, the allowable square footage of the lots. Ms. Hays stated that 12,000
485 square feet is the minimum for each, and for each of these individual lots, it is 17,000 and
486 18,000, respectively; so it exceeds the minimum required.

487
488 Mr. Molly asked what would happen if we did not approve this. Ms. Hays stated that it will
489 remain a 2-family, or someone could purchase the entire building, live on one side and rent the
490 other side. Chairman Byrnes pointed out that is not what the neighbors want. Mr. Roumani
491 agreed, and noted that there are bylaws in the documents, so that each side takes care of their
492 own property. He confirmed that he would have all of this in the deed restriction and have it
493 recorded. He stated that it was crafted by his legal attorney. He stated that it was just like what
494 Lucke did, except it was much less expensive.

495
496 Chairman Byrnes asked if any guests or residents had comments.

497
498 **Steve Karoly, 7458 Dawson Road, Cincinnati, Ohio 45243** stated that he is also on the
499 Madeira Planning Commission. He had no objections regarding this variance. He asked about
500 the firewall – as this was built as a multi-family residence. He felt that once you split this into
501 two lots, you then have a party wall. He asked if anyone looked at fire ratings, and how that
502 party wall was constructed. Mr. Roumani stated that the Zoning Code required them to do a dry-
503 wall, two layers on each side. By his own volition, he then added a solid concrete wall that is
504 grouted with steel on top, between the 2 units, with insulation – which gives you a true demising
505 in the wall between the two units. He also had 2 structural engineers look at this and approve it,
506 and then submit it to NIC.

507
508 Ms. Hays noted that she had reached out to NIC this week to confirm that the plans submitted by
509 the applicant adhered to the Code. She asked for these results before she will sign-off on the
510 project.

511
512 **William Palmer, 11740 Laurelview Drive, Montgomery, Ohio 45249** stated that he has been a
513 resident of Montgomery for 39 years, and his property abuts this property. He and his wife were
514 shocked when they saw this being built. He was not in favor of the 0 setback variance, in a lot
515 that is very compromised, to begin with. He pointed out, that without looking at illustrations,
516 you would not realize that every one of the properties on Hightower are built on a relatively level
517 ground. He showed the Board drawings depicting the grade level of the homes on Hightower.
518 He stated that this applicant's property was on a very steep and very highly erosive foundation.

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519 This is a great factor of concern to him, in that they already have a number of issues with erosion
520 in the Polk Creek, which is located toward the rear of the applicant's property. This erosion has
521 been substantial over the years.

522
523 Ms. Hays showed a topography map for all, on the wide screen. Mr. Palmer pointed out the
524 creek and where they have had massive erosion. He stated that they have tried to get cooperation
525 from the City to work on ways to retain this, but they were told they are not permitted to do any
526 reinforcement along the creek.

527
528 Mr. Palmer's concern was that the property values were being impacted, as well as the
529 enjoyment of the property. When the building was built, it was clear that two buildings could
530 not fit. One building could have been built; and there is a reason that no other building had been
531 built there in the past, as you can see from the CAGIS map.

532
533 Mr. Palmer showed members photos, showing a deck that was falling apart and falling into the
534 creek, due to the erosion; also with trees falling into the creek. He showed members on the map
535 the location of this property, which is located to the north. He indicated that there were children
536 that come down to play in the creek, and it is a very loose soil, so now you are adding two
537 families that will continue to add to this erosion. From a safety standpoint, he felt it was a
538 hazard for him, having property on the other side of the creek, and for those on both sides of the
539 creek.

540
541 Mr. Palmer was not in favor of how many variances were being requested. Ms. Hays stated that
542 was what was discussed earlier with Mr. Molloy's questions. She explained the situation again
543 to Mr. Palmer.

544
545 Mr. Palmer noted that this house will start to erode, just as the other one is. He referred to
546 Section 5002.02 and 5002.01 of the Zoning Code which says that a parcel of land may be
547 subdivided into 2 lots, provided it shall conform to the lot area and lot width requirements.
548 This doesn't meet the lot width requirements. He stated that the fact that this was a last-minute
549 request made it hard to understand how that takes place. He felt that this did not honor the
550 zoning regulations in place, to him, or to others in Montgomery. And the environmental impact
551 has some significant negative effects. He stated that he was not in favor of this application.

552
553 Ms. Stewart again explained that the building as it exists, is permitted, it was permitted to be
554 built, according to the Zoning Code. Two families can live there and two families can play in the
555 creek, and there is nothing that this Board can do about that. The only issue today was to
556 determine whether there can be a legal division of that property to allow legal ownership, instead
557 of some other means of how the families will live there.

558
559 Ms. Stewart asked Mr. Palmer how his concerns were impacted by the legal ownership of the
560 property. Mr. Palmer stated it would impact the enjoyment of the very dense wooded area that is
561 now beginning to erode. He repeated his other concerns, as listed above.

562

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563 Mr. Molloy asked Staff about when the original property was built, and if she recalled any
564 concerns or studies done on erosion and run-off to the creek, during the approval process.
565 Ms. Hays stated that the City engineer did review the proposed development. She noted that the
566 majority of this lot shows an existing Duke easement that runs through (over half of) this lot.
567 With that easement and the topography, it limited the building envelope, and was not attractive
568 to most developers. She did not recall any issues with erosion.

569
570 Ms. Hays stated that as far as the creek itself, it is a designated FEMA floodway; we do not
571 regulate the flow - we only help facilitate processes required for development if it is located
572 within a floodway. This is why we have to be very careful about what can and cannot be done
573 there. She offered to speak with Mr. Palmer about his concerns at a later time, and with the
574 Public Works Director. She was not aware of the issues Mr. Palmer described. She noted that
575 they have recently started a new process - every other year they walk the creek and video it, and
576 take photos to see if anything has changed.

577 They are also looking for any modifications or anything that impedes the waterflow.

578
579 Mr. Roumani stated that he worked with the US Department of Energy for 10 years. He stated
580 that he was well aware of the soil when he started this project, and he had this built with a
581 structural engineer's oversight. It took over 100 yards of concrete just to do footers and the
582 slabs. As you can see, Polk Creek is 400 feet below the property - and he didn't feel it would
583 affect his property. He felt this property was an improvement to the neighborhood.

584
585 Mr. Karoly noted that he was making another objective comment, as he was neither for or
586 against this variance. He felt that obviously nobody built on this lot because of the little valley
587 off of the creek. The erosion that has been happening is probably because nobody owned that
588 property or cared to do anything about the erosion, because it was an empty lot. Just the fact that
589 somebody built a house there, whoever buys it, will definitely make sure that the back lot does
590 not erode to the point where their structure is in jeopardy. Having 2 lots gives more financial
591 ability (from 2 people) to maintain whatever needs to be done to prevent more erosion. This
592 could be a real positive for the neighbors and for the creek.

593
594 Mr. Molloy asked how far back the property line was. Ms. Hays stated it was just shy of the
595 creek.

Adjournment

598 Mr. White moved to close the public hearing.

599 Mr. Uckotter seconded the motion.

600 The public hearing adjourned at 8:45p.m.

601

602 Chairman Byrnes opened the business session at 8:45p.m.

603

Business Session (3)

605 *A request for a variance from CR Middletown, LLC, property owner of 10209 and 10211*
606 *Hightower Court, to allow a proposed two-family dwelling to have an internal side yard*
607 *setback of 0 feet, where 10 feet is required, per Scheduled 151.1005 of the Montgomery*

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Board of Zoning Appeals Meeting

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608 ***Zoning Code. Additional variances are being requested to allow for the proposed subdivided***
609 ***lots to each have a lot width of 44.8 feet (10211) and 54.31 feet (10209), where 65 feet is***
610 ***required, per Schedule 151.1004 of the Montgomery Zoning Code.***

611
612 Ms. Stewart felt that the erosion issue was outside of The Board's purview regarding this
613 application. She didn't feel one lot or two would change anything else. Based on the email from
614 the Trents and the concern in the area about renters, she felt the neighborhood would greatly
615 favor the variances to eliminate their concerns about rentals. She was in favor of this
616 application.

617
618 Chairman Byrnes agreed.

619
620 ***Mr. Molloy moved to approve the request from Charlie Roumani, 8851 Mayrow Drive,***
621 ***Cincinnati, Ohio 45249, for the properties located at 10209 and 10211 Hightower Court,***
622 ***Montgomery, Ohio 45249, owned by CR. Middletown LLC, 8851 Mayrow Drive, Cincinnati,***
623 ***Ohio 45249 to allow an internal side yard setback of 0 feet, where 10 feet is required, per***
624 ***Scheduled 151.1005(2) of the Montgomery Zoning Code; as described in the Staff Report***
625 ***dated November 28, 2023.***

626
627 ***This approval is in accordance with the survey dated November 3, 2023.***

628
629 ***This approval is justified by criteria # 3, 4, 5, 7, 9 &10, as outlined in Montgomery Codified***
630 ***Ordinance Chapter 150.2010 (d) for granting variances.***

631
632 ***Mr. Saul seconded the motion.***

633
634 ***The roll was called and showed the following vote:***

635
636 ***AYE: Ms. Stewart, Mr. Uckotter, Mr. White, Mr. Molloy, Chairman Byrnes*** (5)
637 ***NAY: Mr. Saul*** (1)
638 ***ABSENT: Ms. Mills-Reynolds*** (1)
639 ***ABSTAINED:*** (0)

640
641 ***This motion is approved.***

642
643 ***Mr. Molloy moved to approve the request from Charlie Roumani, 8851 Mayrow Drive,***
644 ***Cincinnati, Ohio 45249, for the property located at 10209 Hightower Court, Montgomery,***
645 ***Ohio 45249, owned by CR. Middletown LLC, 8851 Mayrow Drive, Cincinnati, Ohio 45249 to***
646 ***allow a lot width of 54.31 feet, where 65 feet is required, per Schedule 151.1004(2) of the***
647 ***Montgomery Zoning Code; as described in the Staff Report dated November 28, 2023.***

648
649 ***This approval is in accordance with the survey dated November 3, 2023.***

650
651 ***This approval is justified by criteria # 3, 4, 5, 7, 9 &10, as outlined in Montgomery Codified***
652 ***Ordinance Chapter 150.2010 (d) for granting variances.***

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Board of Zoning Appeals Meeting

November 28, 2023

653
654 **Mr. Uckotter seconded the motion.**
655
656 **The roll was called and showed the following vote:**
657
658 **AYE: Mr. Uckotter, Mr. White, Mr. Molloy, Ms. Stewart, Chairman Byrnes (5)**
659 **NAY: Mr. Saul (1)**
660 **ABSENT: Ms. Mills-Reynolds (1)**
661 **ABSTAINED: (0)**
662

663 **This motion is approved.**
664
665

666 **Mr. Molloy moved to approve the request from Charlie Roumani, 8851 Mayrow Drive,**
667 **Cincinnati, Ohio 45249 for the property located at 10211 Hightower Court, Montgomery,**
668 **Ohio 45249, owned by CR. Middletown LLC, 8851 Mayrow Drive, Cincinnati, Ohio 45249 to a**
669 **lot width of 44.8 feet, where 65 feet is required, per Schedule 151.1004 of the Montgomery**
670 **Zoning Code; as described in the Staff Report dated November 28, 2023.**
671

672 **This approval is in accordance with the survey dated November 3, 2023.**
673

674 **This approval is justified by criteria # 3, 4, 5, 7, 9 &10, as outlined in Montgomery Codified**
675 **Ordinance Chapter 150.2010 (d) for granting variances.**
676

677 **Mr. Uckotter seconded the motion.**
678

679 **The roll was called and showed the following vote:**
680

681 **AYE: Mr. White, Mr. Saul, Mr. Molloy, Ms. Stewart, Mr. Uckotter, Chairman Byrnes (6)**
682 **NAY: (0)**
683 **ABSENT: Ms. Mills-Reynolds (1)**
684 **ABSTAINED: (0)**
685

686 **This motion is approved.**
687

Adjournment

689 Mr. Saul moved to close the business session.

690 Mr. Uckotter seconded the motion.

691 The business session adjourned at 8:52p.m.

692

693 Chairman Byrnes opened the public hearing at 8:52p.m.

694

Other Business

696 Staff stated that the next Board meeting will be held on Tuesday, December 19, due to the
697 Christmas holiday; however at this point, there were no agenda items.

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Board of Zoning Appeals Meeting

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698

699

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Board of Zoning Appeals Meeting

November 28, 2023

700 **Minutes**

701 Mr. Uckotter moved to approve the minutes of October 24, 2023, as written.

702 Mr. Saul seconded the motion.

703 The Board unanimously approved the minutes.

704

705 **Adjournment**

706 Mr. Uckotter moved to adjourn. Mr. White seconded the motion.

707 The meeting adjourned at 8:55p.m.

708

709

710

711

712

713

714 _____
Karen Bouldin, Clerk

_____ Mary Jo Byrnes, Chairman

_____ Date

715

716 /ksb

717

DRAFT