
Board of Zoning Appeals Agenda

February 27, 2024

**City Hall
7:00 p.m.**

1. Call to Order
2. Election of Officers
3. Roll Call
4. Pledge of Allegiance
5. Open Board of Zoning Appeals Meeting / Swearing in of Witnesses
6. Guests and Residents
7. New Business

Agenda Item 1

10120 Montgomery Road – Property owner, Twin Lakes, is requesting a variance to allow a temporary sign bearing a message relating to the construction of Trillium at Twin Lakes with a size of 24 square feet and 5 feet in height where a maximum of 4 square feet and 4 feet in height is permitted per Schedule 151.3011 of the Montgomery Zoning Code.

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

CITY OF MONTGOMERY BOARD OF ZONING APPEALS

Application for Variance: *Twin Lakes*

February 27, 2024
Staff Report

Applicant: Twin Lakes
10120 Montgomery Road
Montgomery, OH 45242

Property Owner: Same

Vicinity Map:



Nature of Request:

The applicant is requesting a variance to allow a temporary sign bearing a message relating to the construction of Trillium at Twin Lakes with a size of 24 square feet and 5 feet in height where a maximum of 4

square feet and 4 feet in height is permitted per Schedule 151.3011 of the Montgomery Zoning Code.

Zoning:

This property is zoned 'D-3' multi-family. The property to the north is zoned 'D-2' multi-family residential, the property to the south is zoned 'LB' limited business, the property to the west is zoned 'A' single family, and the property to the east is located within Indian Hill.

1. The property is being developed by Twin Lakes and received an extension of their Final Development Site Plan approval from Planning Commission on November 20, 2023.
2. The development is named Trillium and will consist of three buildings housing 30 independent living units, with one building containing a community room, and amenity space for residents.
3. The applicant currently has temporary signs on the property which meet the code requirement of 4' in height and 4 square feet. The maximum amount of total signage permitted is 25 square feet.
4. The lot contains approximately 583' of Montgomery Road frontage and is 3.83 acres in size.

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?*

While there are no special conditions or circumstances existing which are peculiar to the land itself, the large amount of road frontage should be noted. There is approximately 583' of frontage and the minimum lot frontage for the district is 40' in accordance with Schedule 151.1004 of the Montgomery Zoning Code.

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

Staff believes that the property would yield a reasonable rate of return without granting the variance.

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

The variance request is substantial, as the applicant is requesting a sign that is 6 times larger than what is permitted. However, the applicant is under the maximum allowable total temporary signage for the property, which is 25 square feet. The difference is, the applicant is seeking a single sign versus multiple signs.

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

The character of the neighborhood would not be substantially altered by granting the variance as the sign is temporary. In addition, a large portion of Montgomery Road is commercial and larger signs along this stretch are common.

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 have had possession of the property for a number of years, and during that time the sign code requirements have changed and are more restrictive than when they originally purchased the property.

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

No special conditions exist as a result of the owner.

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

The signage issue is not something that can be remedied without granting a variance unless the developer erects numerous small signs in accordance with what the code permits. Staff is of the

opinion one larger sign is more appropriate for this stretch of Montgomery Road, than a number of small signs which would create more visual clutter.

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

An important part of the zoning code is maintaining the character of an area while evaluating the appropriateness of a sign to the site and surroundings. Granting a variance in size and height would be appropriate along Montgomery Road as it is a more commercial area.

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

A variance was approved for the Vintage Club development in 2006, allowing for a project construction sign to have a size of 100 square feet and 16 feet in height where 50 square feet and 10 feet in height was the maximum permitted at that time.

Staff Comments and Recommendations

Staff believes that the variance in size and height is appropriate and justified for the sign along Montgomery Road due to the commercial nature of the area, the size of the development, and the large amount of road frontage. The size of the proposed sign is adequate to allow the owner to display the desired information about the project in a single sign, versus multiple small signs.



APPLICATION FORM

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

Project Address (Location): 10120 Montgomery Road

Project Name (if applicable): Trillium at Twin Lakes

Auditors Parcel Number: 603-0008-0524-00

Gross Acres: 3.83 Lots/Units 30 Commercial Square Footage _____

Additional Information: Total of 30 luxury condos in 3 buildings, 2 buildings of 12 units 1 building of 6 _____

PROPERTY OWNER(S) Twin Lakes Contact Jon Homer

Address 6279 Tri-Ridge Blvd. Ste.320 Phone: 513-722-6393

City Loveland State Oh Zip 45140

E-mail address jon.homer@lec.org

APPLICANT Twin Lakes Contact Jon Homer

Address SAME Phone: _____

City _____ State _____ Zip _____

E-mail address _____

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

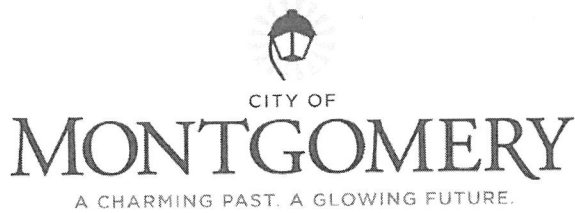
Property Owner Signature _____

FOR DEPARTMENT USE ONLY

Print Name _____

Date _____

Meeting Date: <u>2/27/24</u>
Total Fee: _____
Date Received: _____
Received By: _____



Consideration for Approval of Dimensional Variances

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

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

Sign is to advertise a multi-building development on a property that is typically larger than other single family of single building developments.

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

Yes, Property could have reasonable return without variance. However, 1 singular sign would ~~more directly market the development on a state route with higher speeds. Additionally, 6 smaller signs looks cluttered and doesn't present the upscale image Twin Lakes is trying to capture for the site and the City overall.~~

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

No - Asking for 24 sq.ft. in one sign. 4x6 versus 6 smaller 2x2 signs

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

No-Large vacant piece bordering commercial and the sign is temporary.

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

No affect.



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

No. We've owned the property for several years. Sign restrictions changed during that time.

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

No special conditions.

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

Feasibly, yes, use 6 2x2 signs but the single sign is a much cleaner look for the City.

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

Yes. High quality sign without disruption to properties around us.

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

No special privliges.



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 10120 MONTGOMERY RD, CINTI, 45242
we hereby grant permission to Members of the Board of Zoning Appeals and City
of Montgomery Staff to enter the property for visual inspection of the exterior
premises. The purpose of said inspection is to review the existing conditions of the
subject site as they relate to the application as filed to the Board of Zoning
Appeals.

Property Owner(s) Signature _____

Print Name _____

Date _____

Board of Zoning Appeals Members:


Mary Jo Byrnes

Tom Molloy

Jade Stewart

Steve Uckotter

Richard White

72" 

TRILLIUM


AT TWIN LAKES

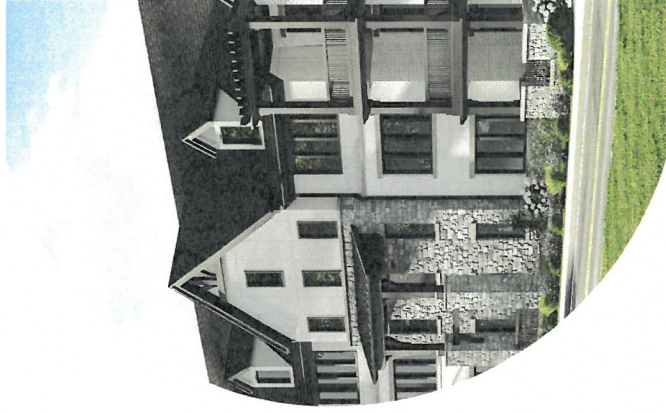
For more information visit us

online:



lec.org/trillium

60" 48" 



*single sided

24 sq. ft.



4"x4" wood post painted white

1/4" alumicore with digital print



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Property Owner(s) Signature _____

Print Name _____

Date _____

Jon H. Homer

Jon H. Homer

2/1/2024

Board of Zoning Appeals Members:

Mary Jo Byrnes

Tom Molloy

Jade Stewart

Steve Uckotter

Richard White

*These Board of Zoning Minutes are a draft. They do not represent the official record of proceedings until formally adopted by the Board of Zoning Appeals.
Formal adoption is noted by signature of the Clerk within the Minutes.*

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

CITY HALL • 10101 MONTGOMERY ROAD • MONTGOMERY, OH 45242

January 23, 2024

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Mary Berlien 3016 Arborcreek Lane, 45242	Bonnie Richardson 10724 Lanyard Dr., 45242	Melissa Hays, City Planner
		Karen Bouldin, Secretary
Jeff Boyle 10360 Sterling Point 45242	Eric & Ruth Roth 10307 Crestwind Circle 45242	<u>ALL BOARD MEMBERS PRESENT</u> Mary Jo Byrnes, Chairman Richard White, Vice-Chairman Tom Molloy Bob Saul Jade Stewart Steve Uckotter
Tony Luca 7756 Hartfield Place, 45242		
		<u>MEMBERS NOT PRESENT</u>

Chairman Byrnes called the meeting to order at 7:05 p.m.

Roll Call

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

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

(6)

ABSENT:

(0)

All members were present.

Pledge of Allegiance

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

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

Board of Zoning Appeals Meeting

January 23, 2024

29

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

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

35

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

37

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

40

Guests and Residents

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

44

New Business (1)

46 *A request for a variance from Anthony Luca, property owner, to allow an addition to have a*
47 *side yard setback of 7 feet 9 inches, where 15 feet is required, per Schedule 151.1005 of the*
48 *Montgomery Zoning Code.*

49

Staff Report

51 Ms. Hays reviewed the Staff Report dated January 23, 2024 "Application for Variance:
52 7756 Hartfield Place".

53

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

57

58 She stated that there had been some questions from the Board regarding the setbacks, and the
59 applicant had since submitted a larger drawing. She passed the drawing around for the Board to
60 see, and gave more detail. She stated that currently the home had a setback of 7 feet, 9 inches,
61 and the applicant is proposing a garage addition directly in the front of the home, which would
62 bring it out closer to Hartfield, straight out, keeping it flush with the same side setback.

63

64 Ms. Hays noted that the home was set far enough back on the property, and the applicant did not
65 need a variance for the front yard setback – it was just needed for the side yard, for the garage.
66 Even with the addition, the front yard setback was 78 feet, and 50 feet was the minimum.

67

68 Ms. Hays asked if the Board had any questions about this.

69

70 Mr. Saul asked if this house was built before the City had instituted zoning codes. Ms. Hays
71 believed that this house was built around the same time that the first Montgomery Zoning Code
72 was adopted. She was not 100% certain which came first.

73

Board of Zoning Appeals Meeting

January 23, 2024

74 Ms. Hays continued with the Staff Report review. She asked if there were any other questions.

75

76 Mr. Uckotter asked if Staff did not have a problem with maintaining the street wall because the
77 home was set back so far. Ms. Hays confirmed, noting that since this home had been built, there
78 have been other side setback variances approved, with houses extending closer to the street, but
79 still maintaining the minimum 50' front setback required.

80

81 Mr. Molloy understood that these were draft plans. He asked if the applicant was looking to get
82 approval of this variance first, before he moved forward with the building and design. Ms. Hays
83 stated that the applicant did send the elevation drawings. Mr. Molloy understood that, due to the
84 slope of the driveway, there would need to be some changes made to the slope of the driveway to
85 meet the garage. He asked if the proposed addition needed to have an access door, other than the
86 garage door. Ms. Hays stated that was not required.

87

88 Mr. Molloy noted that since these were all draft plans, he did not believe this to be an actual
89 survey done on December 20, 2023. He believed that Mr. Luca used the data from a survey
90 taken in 1993, (which was fine), but Mr. Molloy wanted the variance to be written as such.
91 Ms. Hays confirmed.

92

93 Chairman Byrnes asked if the applicant wished to speak.

94

95 **Mr. Anthony Luca, 7756 Hartfield Place, Montgomery, OH 45242** stated that he wished to
96 extend his garage and would keep the same architectural style. He stated that these were just
97 submittal drawings, and he would now start working on the construction detail drawings.
98 He noted there would be a 5 inch change of elevation on the driveway. It will end about 1 ½ feet
99 in front of the sidewalk, and then it tapers off quite a bit after that.

100

101 Mr. Luca stated that he did include a door. Even though he already had a door that accessed the
102 existing house from the garage, he wanted to put a door on the west side. It would give him
103 easier access.

104

105 Mr. Molloy asked him what he planned to do with the existing garage. Mr. Luca stated that he
106 would keep his vehicles in it, and have a bit of a work area. The new expansion will have a new
107 2-wide garage door, and he will relocate the existing garage door to the front of the new addition.
108 It will basically be a 4-car garage.

109

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

111

Adjournment

113 Mr. White moved to close the public hearing.

114 Mr. Saul seconded the motion.

115 The public hearing adjourned at 7:23p.m.

116

117 Chairman Byrnes opened the business session at 7:23p.m.

118

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Board of Zoning Appeals Meeting

January 23, 2024

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Board of Zoning Appeals Meeting

January 23, 2024

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Business Session (1)

A request for a variance from Anthony Luca, property owner, to allow an addition to have a side yard setback of 7 feet 9 inches, where 15 feet is required, per Schedule 151.1005 of the Montgomery Zoning Code.

Mr. Saul was very concerned with the setbacks; however, he felt that in this case there was only one thing to do, and that was to approve this variance.

Mr. Molloy agreed, noting that at least there was some setback. He noted that his guideline is about maintaining 50%, and that is about what this was. He was in favor of this proposal.

Ms. Stewart agreed, as did Mr. White and Mr. Uckotter.

Mr. Molloy moved to approve the request from Anthony Luca, property owner of 7756 Hartfield Place, Montgomery, Ohio 45242, for a side yard setback along the west property line of 7 feet 9 inches, where a side yard setback of 15 feet is required, per Section 151.1005(2) of the Montgomery Zoning Code, as described in the City of Montgomery Staff Report, dated January 23, 2024.

This approval is in accordance with the property boundary diagram dated December 20, 2023, which is based on a property survey done in 1993.

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

Mr. Uckotter seconded the motion.

The roll was called and showed the following vote:

<i>AYE: Mr. White, Mr. Saul, Ms. Stewart, Mr. Uckotter, Mr. Molloy, Chairman Byrnes</i>	<i>(6)</i>
<i>NAY:</i>	<i>(0)</i>
<i>ABSENT:</i>	<i>(0)</i>
<i>ABSTAINED:</i>	<i>(0)</i>

This motion is approved.

Adjournment

Mr. Saul moved to close the business session.

Mr. Uckotter seconded the motion.

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

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

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Board of Zoning Appeals Meeting

January 23, 2024

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Other Business

Chairman Byrnes announced that this would be Mr. Saul’s last meeting with the Board. She thanked him for his outstanding service, dedication and loyalty of 16 years! Other members congratulated him on a new chapter in life. Chairman Byrnes noted that he would receive his brick on the Walk of Fame, in the spring.

Chairman Byrnes welcomed guests who were attending, looking to fill the two vacant seats on this Board. She explained that applicants needed to attend two meetings. This board typically has 7 seats, and we will now have 5. Four members are required for a quorum, in order to approve a variance. There was more discussion.

Minutes

Mr. Molloy moved to approve the minutes of November 28, 2023, as amended.
Mr. Saul seconded the motion.
The Board unanimously approved the minutes.

Adjournment

Mr. Saul moved to adjourn. Mr. White seconded the motion.
The meeting adjourned at 7:30p.m.

Karen Bouldin, Clerk

Mary Jo Byrnes, Chairman

Date

/ksb