

7616 Montgomery Road **Conditional Use Request**

Nancy and Gary Janning are the owners of the property at 7616 Montgomery Road and have used the property as the location for their interior design business and law firm since purchasing it in 1989, prior to the adoption of Township zoning. The property was developed in 1936 as a tudor single family residence which contains a total of 1,902 square feet on three levels. The basement level contains a 219 square foot office, storage and mechanical space as well as a two car garage and a half bath. The first floor contains 1,083 square feet of space while there is 600 square feet of unfinished attic space on the second floor. Over the years, additional pavement has been added to the east side of the driveway to accommodate three cars and a single car space has been added in the rear, south of the two car garage.

The Jannings are retiring and would like to sell the property as a professional office. Given the 20,000 vehicle traffic count on Montgomery Road, it is highly unlikely according to realtors, that the property could successfully be marketed for a single family residence. The site, like those to the west and east, is zoned "D" Multi-Family Residential District. Given that the site is only 90' wide and contains only 0.3456 acres, the number of units that could be accommodated on site does not make multi-family development practical. The existing structure is in excellent condition and contains many period characteristics that make it a charming and functional building.

The Jannings are requesting favorable consideration of a request to be able to have the existing building continue as a professional office. Section 3-2 allows for low intensity office uses in the "D" District provided the Impervious Surface Area is under 0.50. The subject property has an ISR of approximately 28%. Section 17-12 of the Code requires the following specific criteria for an office use in the "D" District:

- (6) Parking shall not be permitted in the area defined as the front yard setback of the existing zoning district.

The "D" District has a 30' required front yard. The existing parking area located on the east side of the building is over 50 feet from Montgomery Road, significantly outside the required 30 foot front yard.

- (7) Use shall have direct access to a collector or arterial street.

The property has direct access to Montgomery Road through its 90' of frontage. Montgomery Road is considered a Major Arterial according to the Hamilton County Thoroughfare Plan.

- (8) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.

The site has a total of six parking spaces. Two of the spaces are in an enclosed garage with one additional space located south of the garage. The south end of

the space is located 24 feet from the south property line which has natural vegetation. The other three spaces are located on the east side of the building, 8 feet from the east property line. No additional off-street parking is proposed. The parking areas existing today do not negatively impact the surrounding neighborhood.

- (14) The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.

There will be no change to the architectural design of the building. The only change to the site would be the addition of a small 35 square foot ground mounted sign in the front yard. This change would be compatible with signage on other properties in the area.

- (15)(b) Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14: Boundary Buffer B (Shown in Figure 14 B).

Consistent with the requirements of Section 14-7, a 25' buffer will be provided to the east, south and west except where the structure and pavement exists closer to the property line. These areas will be planted with two canopy trees and 7 shrubs for every 100 lineal feet.

- (15)(c) Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14: Streetscape Buffer (Shown in Figure 14 C).

Consistent with the requirements of Section 14-8, a 25' buffer will be maintained along Montgomery Road and the area will be planted with 2 canopy trees and 5 shrubs.

- (16) Signage shall be subject to the Sign Standards of Chapter 13.

Multi-family residential uses are permitted one entry/wall sign at the entrance to the development that could contain 56 square feet at 6 feet in height pursuant to Section 13-10.2(b). The sign must be setback 10 feet from the right-of-way. The applicant is requesting approval of one ground mounted sign with a maximum area of 35 square feet at a maximum height of 6 feet. The sign will be located 10 feet off the right-of-way of Montgomery Road in a landscape bed.

- (19) All exterior lighting shall be directed away from adjacent residential properties.

There will be no additional exterior lighting added to the property.

- (25) The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.

With the exception of the addition of the small ground mounted sign, there will be no modifications to the site or building. The existing structure and site blend into the neighborhood and create a transition from Montgomery Road to the residential development to the south. The proposed conditional use will allow for the preservation of the existing structure as a professional office which adds to the character of Montgomery Road. The continued use of the building as a professional office is consistent with the intensity of other properties in the area.

The applicants believe that, consistent with the provisions of Section 17-6, the following considerations should be reviewed by the Board:

- (a) **Spirit and Intent:** The proposed continued use of the existing structure and site as a professional office is within the spirit and intent of the Zoning Resolution. Low intensity professional offices are permitted within the “D” District subject to 9 conditions. The use of the property, with limited modifications, addresses all 9 of the conditions, consistent with the provisions of the Zoning Resolution.
- (b) **Adverse Effect:** There will be no adverse effect to the surrounding properties, public health, safety, morals or general welfare of the community in allowing the site to remain as a professional office.
- (c) **Protection of Public Interests:** Continued use of the existing structure as a professional office will allow the character of the property to remain unchanged.
- (d) **Consistent with Adopted Plans:** The property is located in the “Kenwood/Montgomery Area” of the Sycamore Township Land Use Plan. The Plan recommends multi-family residential use for the site which is based on existing zoning. The proposed professional office use is permitted in the multi-family district and is therefore consistent with the adopted plan. Further, the request is consistent with the following proposed Goals of the Land Use Plan in that it promotes economic development by planning for the retention, revitalization and selective expansion of office land uses and preserves and reinforces the stability and quality of the neighborhoods.

The applicant believes that in allowing the existing structure to continue as a professional office, the character of the area will be maintained while allowing for a reasonable use of the property. Since there will be no significant changes to the site, there will be no negative impact on the area yet a reasonable use of the property will be permitted to continue.