1. BZA CASE PLN2020-00572; 1986 Home Avenue

A Conditional Use request to permit a truck terminal for four (4) dump trucks maximum and a 1-bay, 1,600-sf metal building used for repair and storage at 1986 Home Avenue (Parcels R72 09012 0001 & 0002) within an I-1 Light Industrial district. Also, a Variance request to reduce the minimum required lot size from 3-acres to 0.31-acres, reduce minimum lot width from 200-ft to 103-ft, to eliminate required perimeter curb and storm drainage from parking area, to eliminate required building entrance and windows along the public street.

Applicant: The Architectural Group
c/o Rick Holmes
135 N Main Street
Dayton, OH 45402

Owner: 5 Star Investments LLC
c/o Randall Lucas
3616 Mandalay Drive
Dayton, OH 45426

Existing Land Use and Zoning: Vacant Land; I-1

Surrounding Land Use and Zoning: North: Vacant land & Industrial bldgs; I-1
South: State Route 35; I-1
East: Single-family dwellings; I-1
West: Vacant land & Industrial bldgs; I-1

Land Use Priority Board: West

Planning District: Roosevelt

Planning Staff Contact: Abigail Free

Ms. Free presented the case. Ms. Free explained the request for a Conditional Use for a Truck Terminal and Motor Vehicle Repair and Variances for lot size, lot width, principal entrance locations & windows, and required curbs/drainage. The property is located within the Roosevelt neighborhood, is vacant land and is zoned I-1 Light Industrial.

Ms. Free presented photos of the site and surrounding properties. Also, land on the opposite side of the stub of S Orchard Avenue is currently being used to store Dump Trucks without a legal
certificate of occupancy.

Next, the site plan was addressed by Ms. Free. The site plan shows a 1,600-sf pre-engineered steel building with one bay for Motor Vehicle Repair. Parking for four dump trucks is proposed behind the building. The new building would be located right next to the adjacent dwelling. There is no screening proposed between the proposed uses and the residential use.

The requirements for a Truck terminal were presented. A list of seven requirements, of those three cannot be met: 1) Lot size – 3-acres is required; 0.31-acres is proposed, 2) Lot width – 200-ft is required; 103-ft is proposed, and 3) location and access on an arterial; Home Avenue is not an arterial street. Thus, Ms. Free determines that the site is too small for a truck terminal due to the substantial variances requests, namely for lot size which is a 90% reduction.

The requirements for Motor Vehicle Repair were presented next. Again, variances are needed for lot size, lot width, and outdoor storage (dump trucks). In this case, however, only 1-acre is required, which is still a request to reduce the requirement by 70%. Ms. Free reiterated that the site was too small for the uses proposed.

Finally, there are variances needed for Site Design Elements. The Zoning Administrator noted in the refusal that the proposed building did not meet the design elements as its design was not consistent with the details (scale and architectural features) of adjacent structures. Also, the principal entrance is required to face the Home Avenue and the front elevation is devoid of window, also required. Perimeter curbs are required for the parking area and vehicular circulation. The proposed building meets none of these design element requirements. Ms. Free also noted that no evidence was submitted to show an extreme hardship for these requirements.

Additional information was presented noting that there was a request to vacate the stub street of S Orchard Avenue which was recommended for approval by the Plan Board, but it was not finalized. If finalized the vacation right-of-way and the adjacent parcel could be combined to achieve 0.8-acres. Also, Ms. Free discussed an alternate use classification as Equipment sales/rental/service which may better describe the activities proposed for the site.

To conclude, Ms. Free went over the standards for both a Conditional Use and Variances. She claimed that the variances needed for both uses are due to the specific conditional use requirements for each and the proposed building, and that the site was too small for a Truck Terminal and Motor Vehicle Repair.

**Staff recommendation**

Staff recommends **DENIAL** of the Conditional Use application for a Truck Terminal and Motor Vehicle Repair.

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**Public Testimony**
The applicant, Richard Holmes, agreed everything that was presented was true and had nothing to add.

Mr. Martin asked about the adjacent site’s legitimate use as dump truck storage. Ms. Free explained that that site is also owned by the same property owner and doesn’t have legal occupancy as such and the property owner is in violation.

Mr. Bement asked about storm water detention and if the City was requiring it. Mr. Holmes clarified that the site will sheet drain to a swale at the rear and the small site flies under the radar for storm water detention. Carl Daugherty also noted that the amount of impervious area (under an acre) doesn’t require storm water management.

Mr. Bement also questioned Mr. Holmes about how the trucks would exit the site having no space to really turn around. Mr. Holmes recommended a “T” turn, but it may prove difficult if all dump trucks were present. Also, this leaves no space for the passenger vehicles to park as proposed.

No one else is registered to speak.

**Board Discussion**

Ms. Patterson noted that having the dump trucks already nearby without seeking out permission makes her uneasy. Mr. Ciani’s opinion is that it is too intense of a use for the site where it’s proposed. Mr. Bement agreed 100% and added that the circulation of the dump trucks would be difficult and contextually, the metal building does not fit with the area, so he cannot support the request. Mr. Tingle also agreed with Mr. Bement that it’s too much for such a small space.

**Board Decision**

A motion was made by Mr. Bement and seconded by Ms. Patterson and carried to determine that there is a NOT a preponderance of reliable, probative and substantial evidence to make the specified findings required under R.C.G.O. 150.120.10(D)(1) and 150.535 and DENY the application for Conditional Use and Variances.

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Approved by the Board of Zoning Appeals January 26, 2021.

Tony Kroeger, Secretary  
Board of Zoning Appeals
City of Dayton
Board of Zoning Appeals

Minute Record
January 26, 2021

2. BZA CASE PLN2020-00576; 325 W. Parkwood Dr.

A Conditional Use and Variance application to re-establish multi-family occupancy at 325 W. Parkwood Drive within an Eclectic Single-Family Residential (Er-4) Zoning District. The applicant seeks a variance to reinstate the property's lapsed non-conforming use, in addition to variances to reduce the required number of off-street parking spaces and to allow parking within the front-yard setback.

Applicant: Windsor Homes LLC
6660 Doubletree Ave, Suite 8
Columbus, Ohio 43229

Owner: Windsor Homes LLC
6660 Doubletree Ave, Suite 8
Columbus, Ohio 43229

Existing Land Use and Zoning: Vacant multi-family structure; Eclectic Single-Family Residential (ER-4)

Surrounding Land Use and Zoning:
North: Eclectic Single-Family Residential (ER-4)
South: Eclectic Single-Family Residential (ER-4)
East: Eclectic Single-Family Residential (ER-4)
West: Eclectic Single-Family Residential (ER-4)

Land Use Priority Board: North Central
Planning District: Hillcrest
Planning Staff Contact: Susan Vincent

Ms. Vincent presented the case.

Ms. Vincent explained that the applicant desires to renovate and re-establish multi-family occupancy at 325 W. Parkwood Drive. The subject property's nonconforming use has lapsed and is no longer allowable within the Eclectic Single-Family Residential (ER-4) District. The
applicant seeks a Use Variance to allow the re-tenanting of the pre-existing multi-family structure and a Variance to reduce the number of required parking spaces from twenty-seven (27) to seventeen (17) and to allow parking within the front-yard setback.

Ms. Vincent shared that the apartment buildings at 325 W. Parkwood Dr. were constructed in the 1960s but have been vacant for years and are currently in the City of Dayton’s Structural Nuisance Abatement Program. In 2016, a developer sought to repair and re-tenant the structure but plans fell through. Windsor purchased the building in 2020 and has since begun repair work.

Required setbacks for off-street parking restrict the ability to place parking spaces directly in front of a dwelling (Section 150.305.5(F)(3)). To provide seventeen (17) parking spaces, the applicant kept one parallel parking space in the front of the structure. The placement of this parking space in the front yard setback will require a variance.

The parking redesign does improve the southern face of the building by reducing the amount of pavement currently along the public right-of-way. By relocating some parking spaces from the southern right-of-way to the rear and side of the property (northern and eastern boundaries), the applicant increases the opportunity for landscaped buffers between the parking areas and the sidewalk. While a landscape architect has not been hired yet, the applicant proposes that buffers will include low profile plantings including landscaping rocks and prairie grasses. This redesign provides safer egress for pedestrians and adds greenery along the street.

Additional details to note about the site plan include the dumpster, exterior lighting, and street trees. The submitted site plan moves the exterior dumpster from the south-east corner to the south-west and provides the required screening. Screening walls of the dumpster will be six feet (6’) tall and constructed of wood which meets the zoning code requirements. On-site pole light fixtures will be replaced, and some building mounted lighting sources will be added to ensure compliance with the zoning code. And finally, street trees will be added to the tree lawn as required by the code; the species will be selected by the landscape architect and will avoid the restricted species identified in the zoning code.

**Staff recommendation**

Staff recommends approval of the use variance application along with the parking reduction and front-yard setback waiver.

**Public Testimony**

The applicant, Meghan Dyer, 6660 Doubletree Ave, Suite 8, Columbus, Ohio 43229, offered to answer questions from the board. Mr. Bement shared concerns regarding the parking and the reliance on turning-around in the rear of the lot and asked for more details on the site plan.

Austin Hahn, CaliChi Design Group, 620 E Broad St Suite K, Columbus, OH 43215, clarified that the drive aisles, parking spaces, etc all meet the zoning code. The lot is tight but it does provide enough space for a typical vehicle (not large trucks) to make a three-point turn in the rear of the lot.
Board Discussion

Board members shared concerns regarding the availability of parking while commending the developer for the investment in the neighborhood and redevelopment of the vacant property. Mr. Brand recommended not turning down the case on account of parking. Mr. Bement underscored his concern regarding the ability of tenants to exit the parking lot safely and noted his preference for more pavement in the back of the site to alleviate the turning radius.

Board Decision

A motion was made by Mr. Martin and seconded by Ms. Graham and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under R.C.G.O. 150.120.10 and approve the application as submitted a Use Variance, parking requirement reduction, and allowance of parking within the front-yard setback.

| Mr. Bement   | No       | Ms. Tingle | Yes       |
| Mr. Brand    | Yes      | Ms. Patterson | Yes      |
| Ms. Graham   | Yes      | Mr. Ciani   | Yes      |
| Mr. Martin   | Yes      |              |          |

Approved by the Board of Zoning Appeals January 26, 2021.

Tony Kroeger, Secretary
Board of Zoning Appeals
3. BZA CASE # 2020-00577; 15 Georgeana Court

A Conditional Use application for a "restricted parking lot" at 15 Georgeana Court that would provide parking for Gem City Market, with associated variance requests for reductions in the minimum parking setback and landscaping/screening in a MR-5 (mature single-family) zoning district with an HD-2 historic overlay.

Applicant: Matthew Sauer, Architect LLC
450 W. Grand Avenue
Dayton OH 45405

Owner: City of Dayton
101 W. Third St.
Dayton, OH 45402

Existing Land Use and Zoning: Vacant Land; MR-5

Land Use Committee: North Central

Planning District: Old Dayton View

Planning Staff Contact: Tony Kroeger

Mr. Kroeger presented the case via power point presentation.

CASE BACKGROUND

This subject property is owned by the City of Dayton. It is a triangle-shaped piece of land that is surrounded by alley right-of-way. It is classified as a “Restricted Parking Lot” requiring a Conditional Use, because it is not in the same zoning district as the use it serves—the parking lot is proposed in a residential zoning district. It would serve as parking for Gem City Market. The target users for these spaces are employees and those attending special events, rather than typical come-and-go grocery users. The applicant proposes spaces that one enters directly from the alleys. This has been approved by public works, primarily due to the low traffic volumes and the wider-than-normal dimensions of the alley. This orientation means that there is no setback from the right-of-way, and that there is no landscaping between the parking spaces and the alleys.

STAFF ANALYSIS
There are unique conditions for this property, notably its proximity to Gem City Market, it being a parcel under City ownership, and it being surrounded by alleys. The site plan primarily uses existing topography and vegetation as screening. There is one sign proposed. There has been conversation, although it is not shown on the plans, about creating a crosswalk from these spaces to the market. Staff supports the use of this property for additional parking for Gem City Market. Staff believes that signage, screening, and the crosswalk are important elements, and that the Board should consider these elements in their decision. The North Central Land Use Board voted unanimously to support the requests for Conditional Use and Variances.

**Staff Recommendation**

Staff recommends approval of the Conditional Use and Variance Requests, with board consideration for signage, screening, and a crosswalk.

**Public Testimony**

Matt Sauer, the architect and applicant of 450 West Grand Avenue, spoke about the application.

Lela Klein, representative of the Gem City Market, noted that some of the parking would be used for pick-up of items from the market.

Mr. Sauer noted the grade change of the property, and that blocking headlights will not be an issue. He also noted the use of the western segment of the alleys, and would not want to block the view too much, for safety concerns.

**Board Discussion**

The Board felt that it was a clean application that could meet the required standards.

**Board Decision:**

A motion was made by Mr. Tingle and seconded by Mr. Bement, and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under R.C.G.O. §150.120.10 (D)(1) and approve the application for Variances with the following conditions.

- Certificates of Appropriateness shall be obtained as required
- Screening of the east row of parking spaces shall be required by use of topography and/or vegetation so as to block west-facing headlights.

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City of Dayton
Board of Zoning Appeals

Minute Record
January 26, 2021

BZA CASE # 2020-00578; 325 S. Keowee Street

A Variance application to construct a 12-story senior housing residential building (199 1-bedroom units) with Variances to reduce the required number of parking spaces (156 proposed, 317 typically required) and to increase the allowable building height (128' proposed, 60' typical max height) in an MMF (Mature Multi-Family) zoning district at the southwest corner of Keowee and East Fifth Streets.

Applicant:
TC Architects
c/o Robert Chordar
430 Grant Street
Akron, OH 44311

Owner:
Redwood Housing
c/o Felipe Serpa
8 Grove Street
Wellesley, MA 02482
Vacant Land; MMF

Existing Land Use and Zoning:

Surrounding Land Use and Zoning:
North: Post office; UBD
South: Multi-family (Jaycee Tower); MMF
East: Across Keowee, Bomberger Park; Open Space zoning
West: Multi-family (Dayton Towers); MMF

Land Use Committee:
Greater Downtown

Planning District:
Oregon

Planning Staff Contact:
Tony Kroeger

Mr. Kroeger presented the case via power point presentation. See Staff Analysis from report below.

CASE BACKGROUND

A 12-story residential building with 199 one-bedroom units is being proposed at the southwest corner of Keowee and Fifth Streets. The units would be for senior housing.
Multi-family housing is a permitted use in the subject zoning district, which is Mature Multi-family (MMF).

However, two variances are requested: To allow for the building to be 128’ in height (from the typical maximum of 60’) and to only require 156 parking spaces rather than the 317 spaces that would be required per typical zoning code requirements.

The developer and architect have discussed the site plan extensively with city staff and have made necessary adjustments as requested—the site plan has evolved to great improvement. While the refusal lists other issues, these will be addressed without variances.

**STAFF ANALYSIS**

This is not a typical MMF zoning district. A result of the East Dayton Urban Renewal Project of the 1960s, the area already has two building of comparable height – Jaycee and Dayton towers. It is an expansive site. The proposed building is approximately 200 feet from Jaycee and 300 feet from Dayton Towers. Even though Bomberger Park is technically across the street from the subject property, it is still over 120 feet away, due to the expansive Keowee Street right-of-way. This leads staff to support the variance for proposed height. It is far enough from other properties and similar in context to find that the required standards can be met.

The parking variance, which may seem significant in number, changes a bit when one considers that this is housing for seniors. There is an example immediately to the south, Jaycee (under same ownership) which can help express the true parking demand. Jaycee has a parking ratio of one parking space per unit – 204 of each. Every site observation reveals that the parking supply far exceeds the demand. Staff has not observed an instance when there weren’t many unused parking spaces. As it stands currently, a significant area of that parking lot is being used for construction staging for building renovation, indicating no demand for many of the spaces. Planning staff does not wish to require more parking spaces than are necessary. Therefore, planning staff supports the variance for parking as well.

The site plan has been developed with staff input, and staff supports it. The inclusion of the pedestrian plaza at the corner, the outdoor patio areas, and diagonal pedestrian path, the significant provision of trees, the active ground floor spaces, and the location/orientation of the building are important features of the site plan that has led to this overall support.

**Staff Recommendation**

Staff **recommends approval** of both variance requests based on the required standards.
Robert Chordar of TC Architects, Applicant, spoke about the application and the proposed plan and reiterated the main points from staff.

Mr. Bement suggested completing the walking path around the property.

Matt Sauer of 450 West Grand Avenue spoke about the application. He expressed appreciation of the density and investment into the area. He also expressed a desire for design standards from the Urban Business District zoning district to be applied here. He also suggested the parking be further reduced to a ratio of 0.65 spaces per unit. A conversation ensued about that idea, and alternative conditions were crafted.

**Board Discussion**
The Board discussed the applying of Conditions to improve the site plan.

**Board Decision:**
A motion was made by Mr. Bement and seconded by Mr. Brand, and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under R.C.G.O. §150.120.10 (D)(1) and approve the application for Variances with the following conditions.

- A ratio of approximately 0.65 parking spaces per unit shall be provided, with the intent of replacing the parking spaces nearest the corner of Fifth and Keowee Streets with other site elements.

- The proposed land use and density are approved as submitted (199 one-bedroom residential units); however, final building exterior appearance shall be reviewed and approved by City planning division staff, with consideration given to materials and other aesthetic elements.

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5. BZA CASE # 2020-00579 – 1 Diamond Ave.

A Conditional Use request to establish a restricted parking lot and Variances to 1) reduce the minimum parking setback distance along north lot line, 2) reduce the minimum parking setback distance along east lot line, 3) reduce the minimum interior parking/landscape island width, and 4) remove the requirement for off-street parking area illumination at 1 Diamond Ave. (parcels R72 04905 0005, R72 04905 0006, R72 04905 0007, and R72 04905 0008) within an MR-5 Mature Single-family Zoning District.

Applicant
Jonathan Burkhardt
Burkhardt Engineering Company
28 N. Cherry St.
Germantown, OH 45327

Owner
Pastor K. Edwin Bryant
Mount Pisgah Baptist Church
1 Diamond Ave.
Dayton, OH 45403

Existing Land Use and Zoning:
MR-5, Mature Single-family

Surrounding Land Use and Zoning:
North: I-2, General Industrial
West/East/South: MR-5, Mature Single-family

Land Use Committee:
Northeast

Planning District:
Springfield

Planning Staff Contact:
Jen Hanauer

Ms. Hanauer presented the case. She stated the applicant is basically seeking to expand the existing parking lot at the southeast corner of Springfield Street and North Irwin for Mount Pisgah Baptist Church. The existing parking lot is paved and lined, and the proposed new lot is composed of the four parcels immediately to the northeast and are currently grass. Access would be via the alley the runs along the southeast of the parcels.

The property is in a small residential neighborhood zoned MR-5 and surrounded by industrial uses. Ms. Hanauer showed photos of the current conditions of the property during the day and then photos of the property at night as the applicant is asking for a variance to remove the requirement for off-street parking area illumination. Ms. Hanauer pointed out that because the property runs along a major corridor, Springfield Street, the area is very well lit at night.

The site plan shows street trees and landscaped islands. No additional curb cuts are proposed. The addition of the 33 parking spaces as proposed would add sufficient parking for Mount Pisgah to be in
compliance with the Zoning Code that requires one space for every four congregates when at capacity, which in this case is 250 people. The variance for a reduced setback along Springfield Street is to allow the proposed parking lot to match the existing parking lot and provide continuity along the north property line. The variance for the width of the landscaped islands is requested to allow for the maximum number of spaces in the proposed lot. Ms. Hanauer noted that if looking at the landscaped islands in terms of area, the landscaped islands fall just nine square feet short of the minimum required in the Zoning Code.

The Northeast Priority Land Use Board voted four to one in favor of recommending approval to the BZA. The board discussed the type of tree that would be appropriate along Springfield Street and ultimately recommended that a professional nursery provide input on the appropriate type of tree for planting along a road. The board likes that street trees are proposed along the length of the property from the corner of Springfield and North Irwin as opposed to just along the proposed new parking lot. The owner and family of the neighboring property have voiced concerns that the proposed screening, which includes a six-foot shadowbox privacy fence lined with trees and shrubbery, would cut the property off from the rest of the neighborhood. While the Zoning Code requires screening between a parking lot and adjacent residential uses, in this case staff is asking that screening be limited to vegetation that will not exceed three feet in height at maturity.

Ms. Hanauer said that while staff supports this application, a good fit must be made with the community surrounding it that houses residence who have been in place for a long time. Looking at the standards for Conditional Use, Ms. Hanauer focused on whether the use will be harmonious and appropriate with the prevailing character of the general vicinity, saying that the added street trees and landscaped islands will give the currently vacant lot a more welcoming look better matching that of the mature residential neighborhood around it. Similarly, in looking at the standards for a Variance, Ms. Hanauer find that the essential character of the neighborhood would not be substantially altered nor adjoining properties suffer substantial detriment as a result of the variances.

**Staff Recommendation**

Staff recommends approval of the Conditional Use application and the Variance applications as submitted with the following condition:
- Screening shall be installed between the restricted parking lot and the adjacent residential use to the east, but shall consist solely of vegetation not to exceed three (3) feet in height at maturity.

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**Public Testimony**

The applicant, Jonathan Burkhardt, did not have anything to add to the presentation but said he would accept questions.

Gary Conley of 928 Springfield St. voiced his concerns regarding the setbacks, property values, and condition of the alley. Mr. Conley would like for the setback standards to be adhered to and property values considered before decisions are made about the proposed parking lot. Mr. Conley also noted that despite improvements being proposed for the parking lot, no improvements have been discussed regarding the alley, which he considers to be sub-standard. What he would like to see is for the board to vote in accordance with current regulations for residential neighborhoods since it is zoned as such.
Keith Beamon also of 928 Springfield St. stated his house, which is the property adjacent to the proposed parking lot, was bought by his grandparents in 1964. He has a lot of family in Dayton, and he wants to see that this property is taken care of properly. While Mr. Beamon is not bothered by the use of the property as a parking lot, like his cousin Mr. Conley, he wants to see that the work is done according to the Zoning Code. He does not want to see trees along the east side of the parking lot because they may interfere with his new roof that he put on in 2017. Mr. Beamon stated that the tree in his front yard has to be trimmed every year to keep it from growing into the house, but he does not wish to remove it because he planted it there with his cousin and grandfather in 1964. He does not wish for any additional trees near his property because of concerns for his roof, piping, and foundation. If there were to be trees added along his property line, Mr. Beamon would hope that they would be the type to grow more vertically and less horizontally.

Mr. Conley again brought up the setback. He stated that he believes a house were proposed, the setback would be enforced. Mr. Conley feels that Mount Pisgah got away with an inappropriate setback for its existing parking lot, and he would rather not see that again. Mr. Martin asked Mr. Conley if he’s speaking about the setback along Springfield Street to which Mr. Conley replied yes, and he believes it is 12 feet. Ms. Hanauer said that while typically the City would require that the setback match that of the neighboring structures, which in this case would be 12 feet, the applicant is asking for a variance so that they can match the setback of the existing parking lot. Mr. Conley said that he believes the proposed parking lot setback should match that of the existing houses and asked if the existing parking lot had been completed in compliance with the Zoning Code. Ms. Hanauer stated that she had been unable to find the date of the paving of the existing parking lot and asked Mr. Conley if he recalled when that had been done. Mr. Conley said that he could not recall exactly when it was paved but that it was there when he returned from military service and so had been there for a very long time. Mr. Beamon stated that it was sometime in the 1970s. Mr. Conley repeated his question as to whether or not the existing parking lot had been built to code with regard to setbacks, and then supposed that it had probably not been. Mr. Kroeger said that he does not know what the Zoning Code required in the 1980s and that they we cannot assume that the existing parking lot was built illegally.

Mr. Ciani asked Mr. Burkhardt if he would like to make a closing statement. Mr. Burkhardt addressed the issue of the setback saying that the intent is to keep that same line along Springfield Street because in pulling it back to meet the setback of the house to the east, they would lose a significant number of parking spaces and would defeat the purpose of what the applicant is trying to do with adding a sufficient number of spaces.

**Board Discussion**

Mr. Bement asked to see the site plan and said that he would agree that a structure on the property should match the setback of the house on the adjacent property. However, Mr. Bement believes it would look like a mistake if the setback of the proposed parking lot did not match that of the existing. Mr. Bement would support the application as submitted.

Mr. Beamon asked for clarification that trees will not be planted along his property line. Mr. Kroeger said that trees are proposed along Springfield Street but not along Mr. Beamon’s property line. Mr. Bement confirmed that while there are trees on the site plan along Mr. Beamon’s property line, the aim of the condition proposed by staff of keeping vegetation along Mr. Beamon’s property line to a maximum height of three feet would alleviate Mr. Beamon’s concerns about trees.

**Board Decision:**

A motion was made by Mr. Bement and seconded by Mr. Brand, and carried to determine that there is a
preponderance of reliable, probative and substantial evidence to make the specified findings required under RCGO 150.535 and RCGO 150.120.10(D)(1) and approve the application as submitted for a Conditional Use and Bulk Variance with the following condition:
- Screening shall be installed between the restricted parking lot and the adjacent residential use to the east but shall consist solely of vegetation not to exceed three (3) feet in height at maturity.

| Mr. Bement  | yes  | Ms. Tingle  | yes  |
| Mr. Brand   | yes  | Ms. Patterson | yes  |
| Ms. Graham  | yes  | Mr. Ciani    | yes  |
| Mr. Martin  | yes  |              |      |

Approved by the Board of Zoning Appeals on January 26, 2021.

Tony Kroeger, Secretary
Board of Zoning Appeals
City of Dayton
Board of Zoning Appeals

Minute Record
January 26, 2021

6. BZA CASE # 2020-00583; 2958 DeWeese Parkway

A variance request to 1) increase the maximum area for an attached/detached accessory structure to 1100 sq. ft. (a 200 sq. ft. increase from the 900 sq. ft. requirement) and 2) construct an accessory building with metal siding where such a building should be constructed of similar materials/design to the primary building (brick) at a property located at 2958 Deweese Pkwy. This parcel is identified as parcel R72 15613 0048 within an SR-2 Suburban Residential Zoning District.

Applicant: Joshua Baskin
2958 DeWeese Parkway
Dayton, OH 45414

Owner: Joshua Baskin
2958 DeWeese Parkway
Dayton, OH 45414

Existing Land Use and Zoning: Single Family Residential; SR-2

Surrounding Land Use and Zoning:
North: Single Family Residential; SR-2
South: Single Family Residential; SR-2
East: Single Family Residential; SR-2
West: Open Space; OS

Priority Land Use Committee: Northeast

Planning District: DeWeese

Planning Staff Contact: Jeff Green

Mr. Green presented the case via power point presentation. See Staff Analysis from report below.

The applicant requests to construct a 572 sq. ft. detached metal garage at 2958 DeWeese Parkway in an SR-2 Suburban Residential Zoning District. The applicant is requesting variances to 1) increase the maximum area for an attached/detached accessory structure to 1100 sq. ft. (a 200 sq. ft. increase from the 900 sq. ft. requirement) and 2) construct an accessory building with metal siding where such a building should be constructed of similar materials/design to the primary building (brick).

It should be noted that the applicant has amended the application to reduce the overall size of the proposed structure from 24x31 (744 sq. ft.) to 22x26 (572 sq. ft.). As such, the building plans...
and site plan do not show the new building dimensions. In addition, the applicant is now proposing Hardie Board siding.

Per the Montgomery County Auditor, the subject property is 0.64 acres in size and is utilized as a single-family dwelling. Currently, no other accessory buildings are located on the property; though the residence does have a 528 sq. ft. attached garage. There is a fence along the northern property line, which would partially shield the proposed building from view.

Per the site plan submitted, the proposed accessory building would be located in the rear yard and be set back 177 feet from the street. The building would be located 5 feet from the northern property line. Within the 250-foot mailing radius, two properties have detached accessory building that are comparable in size.

As the single-family dwelling is constructed of brick, the proposed building would also need to have brick siding to meet the requirements of the code. Per the plans submitted, the building siding is proposed to be corrugated steel in a vertical pattern on all building sides. The proposed siding, in staff’s opinion, does not fit well within the design characteristics of the neighborhood. Within the 250-foot mailing radius, staff is not aware of any comparable accessory buildings with metal siding.

Per the application submitted, the applicant states that he is unable to build the proposed building out of brick due to cost. In regards to cost of the materials, several alternative siding options (which are not as expensive as brick) could instead be installed which would better fit the overall design characteristics of the neighborhood. Such options include vinyl, fiber cement siding, stucco, wood, etc.

**Public Comment**
The North East Land Use Board met on Tuesday, January 19th and voted in favor of the variance for size, however opposed to the building materials with the following recommendations: 1) brick or partial brick could be used with wood, 2) wooden structure would be acceptable, or 3) there are a variety of contemporary materials that look like brick or wood, and other various house materials that would be a closer comparison to what the main structure has.

**Neighbors**
- Staff has received two calls from property owners within the notification area. Both stated that they agree with the total size but would like to see different design materials.
- Staff has received four emails regarding the request. Of those emails two had no objection to the request while the other two received only had issue with the proposed materials (design).

**Staff recommendation**
Staff would recommend approval of the request on the condition that the building design/materials be constructed of an alternative material that more closely fits the neighborhood.
Public Testimony

Joshua Baskin, Applicant, is the owner/applicant for the property owner. Mr. Baskin had nothing further from the staff report but was here to answer any questions.

Michael Herrlein – Speaking as both resident of the neighborhood and as president of the DeWeese neighborhood association. Originally concerned about the metal siding, but is pleased with the proposed Hardie Board siding and has no issues with the request.

Ann Schenking – Thanked Mr. Baskin for reducing the overall size of the building and the new proposed Hardie Board siding which will fit in better with the neighborhood. Originally was concerned about the metal siding that was first proposed.

Board Discussion

A discussion by the board that they believed the changes by Mr. Baskin to reduce the size of the structure and use Hardie Board siding made this a good application.

Board Decision

A motion was made by Ms. Tingle and seconded by Mr. Bement, and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under R.C.G.O. 150.120.10 (D)(1) and approve the application for a variance as submitted on the condition Hardie Board siding be used.

Mr. Bement                     Yes
Mr. Brand                      Yes
Ms. Graham                     Yes
Mr. Martin                     Yes
Ms. Tingle                     Yes
Ms. Patterson                  Yes
Mr. Ciani                      Yes