



City of Dayton

Board of Zoning Appeals

Minute Record Overview

February 28, 2023
4:30 P.M.

Planning Resource Conference Room, City Hall
101 W. Third Street, Dayton, Ohio

Members Present: Mr. Tim Bement, Mr. Anthony Ciani, Ms. Jaqueline Patterson, Mr. Patrick Martin, Mr. David Brand, and Ms. Diane Graham

Members Absent: Ms. Lisa Tingle

Mr. Ciani called the meeting to order at 4:30 P.M.

1. PLN2023-00017– A Variance application to operate a motor vehicle repair and tire shop for the property located at 2208 N Gettysburg Avenue within the SGC Suburban General Commercial Zoning District. The applicant is also requesting the following variances: 1) relief from the required 1 acre lot size requirement, 2) relief from the required 150 ft minimum lot width, and 3) to utilize the front setback for parking.

Applicant: Abbas Hossein
4267 Salem Ave
Dayton, OH 45416

Priority Land Use Board: West

Wesleyan Hill

Decision: Approved with Conditions

2. PLN2023-00008– A Variance application to construct a 7-story senior housing residential building (122, 1-bedroom units) which exceeds the allowable building height (75' 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 Inc c/o Robert C.
Chordar, AIA
430 Grant St
Akron OH 44311

Priority Land Use Board: Downtown

Planning District: Greater Downtown

Decision: Approved with Conditions

3. PLN2023-00009 – A variance application for the property located at 2204 Valley Street to construct a 4,800 square foot building within the I-1 Light Industrial Zoning District. To construct the proposed building, the applicant is requesting the following variances: 1) relief from the maximum front yard setback requirements for a primary building, 2) relief for the design requirements for buildings, and 3) relief from the required location for vehicular parking spaces.

Applicant: Staffco Construction Inc
1340 Spangler Rd
Fairborn, OH 45324

Priority Land Use Board: Northeast

Planning District: Old North Dayton

Decision: Approved with Conditions

4. PLN2023-00018 – A Conditional Use request to operate an 11-unit multi-family dwelling for the property located at 250 Delaware Avenue within the MR-5 Mature Residential Zoning District . The applicant is also requesting the following variances: 1) relief the required side and rear setbacks for the primary building, 2) relief from the required number of parking spaces for the site, and 3) relief from the minimum dwelling unit size per apartment.

Applicant: Forty Nine Properties & Acquisitions
LLC
3755 Sunburst Ridge Ln
Cincinnati, OH 45248

Priority Land Use Board: North Central

Planning District: Five Oaks

Decision: Approved with Conditions

The Board of Zoning Appeals meeting was adjourned at 5:59 P.M.

Minutes approved by the Board of Zoning Appeals on March 28, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record
February 28, 2023

1. BZA CASE# PLN2023-00017; 2208 N Gettysburg

A Variance request to operate a motor vehicle repair and tire shop for the property located at 2208 N Gettysburg Avenue within the SGC Suburban General Commercial Zoning District. The applicant is requesting the following variances: 1) relief from the required 1 acre lot size requirement, 2) relief from the required 150 ft minimum lot width, and 3) to utilize the front setback for parking.

Applicant

Abbas Hossein
4267 Salem Ave
Dayton, OH 45416

Owner

Billingsley George A
PO Box 475
Dayton, OH 45405

Existing Land Use and Zoning:

Vacant Property; SGC (Suburban General Commercial)

Surrounding Land Use and Zoning:

North – Dollar General; SGC Suburban General Commercial
South – Vacant Land; SGC Suburban General Commercial
East – Fire Station; SR-2 Suburban Residential
West – Vacant Land; SR-2 Suburban Residential

Land Use Committee:

West

Planning District:

Wesleyan Hill

Planning Staff Contact:

Jeff Green

Mr. Green presented the case.

The applicant, Abbas Hossein, requests approval to operate a motor vehicle repair and tire shop for the property located at 2208 N Gettysburg Avenue within the SGC Suburban General Commercial Zoning District. The applicant is requesting the following variances: 1) relief from the required 1 acre lot size requirement, 2) relief from the required 150 ft minimum lot width, and 3) to utilize the front setback for parking.

Mr. Green presented an overview of the proposal and the site. Mr. Green provided context on the location, zoning, and character of the surrounding area and street. He shared the public comments received regarding the case.

Mr. Green noted that the property in question was built and operated for vehicular repair and sales and noted the SGC Zoning District allows Motor Vehicle Repair with standards, though some of those standards could not be met. He went over the requested variances and how they interacted with the site conditions.

Mr. Green went over the proposed plan and stated the applicant is proposing to repair the fence, remove the barbed wire, and add landscaping along the sidewalk. He stated the proposed enhancements would serve to bring the proposal more in-line with the intent of the code. Mr. Green reviewed the standards for approval of a variance and noted that staff believes those standards can be met.

Mr. Green stated that staff would recommend the proposed Variance be approved with the following conditions.

The board questioned the number of vehicles that could be placed on the site. Mr. Green stated that is limited only by the amount of available parking spaces and clarified no junk vehicles can be stored on the lot. The board and staff discussed the parking layout and minimum number of spaces required by code. The board noted a to-scale site plan should be submitted.

Public Testimony

Abbas Hossein, 4267 Salem Ave (Dayton OH), identified himself as the applicant and was present to answer any questions the board had.

Ms. Patterson questioned what type of vehicle repair would occur on site. Mr. Hossein stated the purpose was general repairs such as brakes, tires, tune-ups, etc would be the intent.

George Billingsley, 4070 Foxborough Dr (Dayton OH), owner of the property. Went through the history of the property and the updates he made to it.

Board Discussion

The board believed the request to be appropriate for the site and discussed conditions for approval.

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 Variance with the following conditions:

- 1) A Landscaped area, including 3 street trees, be added between the sidewalk and existing fence
- 2) The fence be repaired or replaced, and the barbed wire removed
- 3) All tires, vehicular repair, and vehicular accessories shall be conducted and stored within an enclosed building
- 4) A site plan, indicating parking space location and number, be submitted to scale for review and approval by city staff.

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

Approved by the Board of Zoning Appeals on March 28, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

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2. BZA CASE# PLN2023-00008 – 440 Dayton Towers Drive

The applicant, TC Architects, Inc, requests Variances approval to construct a 7-story senior housing residential building (122 1-bedroom units) which exceeds the allowable building height (75' proposed, 60' typical max height permitted) within the Oregon Planning District. The property is zoned Mature Multi-Family (MMF).

Applicant	TC Architects Inc c/o Robert Chordar 430 Grant Street Akron, OH 44311
Owner	Redwood Housing c/o Felipe Serpa 8 Grove Street Wellesley, MA 02482
Existing Land Use and Zoning:	Greenspace; MMF
Surrounding Land Use and Zoning:	North – Post Office; UBD South – Residential; MR-5 East – Park; OS West – Commercial; MNC
Land Use Committee:	Greater Downtown
Planning District:	Oregon
Planning Staff Contact:	Susan Vincent

Ms. Vincent presented the case.

The applicant, TC Architects Inc, requests variance approval to construct a 7-story senior housing residential building (122 1-bedroom units) which exceeds the allowable building height (75' proposed, 60' typical max height permitted) within the Mature Multi-Family District (MMF) at the southwest corner of Keowee and E. Fifth Streets (near 440 Dayton Towers Drive).

Ms. Vincent presented an overview of the proposal and the site. Ms. Vincent provided context on the location, zoning, and character of the surrounding area and street. She provided information regarding the history of the case including the previous submission from 2020. She shared images of the site plan, site conditions, and subject property. She shared the public comments received in support of the case.

Ms. Vincent detailed the primary considerations regarding the height variance and explained the reason why a parking variance is no longer required for this revised proposal. She expressed the opinion that the plan as presented would fit within the character of the area and that the proposed height is appropriate for the site.

Ms. Vincent shared the recommendation that the application be approved with a condition that would allow fewer parking spaces than proposed at the ratio of 0.65 spaces per unit versus the 1 space per unit required.

Ms. Vincent's recommendation was based on her analysis of the Standards for Variances Based on Practical Difficulty. She highlighted 150.120.10(D)(1) (a), (c), (d), and (h) in her presentation to the board.

Public Testimony

The applicant, TC Architects Inc, represented by Robert Chordar, 430 Grant Street, Akron, Ohio 44311, shared some context about the request and answered the boards' questions.

Board Discussion

The board commented on the fact that they previously approved the proposal with greater variances in 2020 and that the revised application before them was consistent with the original determination.

Board Decision

A motion was made by Ms. Graham and seconded by Ms. Patterson and carried to determine that there is 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 Variance with the following condition:

- That a ratio of approximately 0.65 parking spaces per unit may be provided.

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

Approved by the Board of Zoning Appeals on March 28, 2023.

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Board of Zoning Appeals



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3. BZA CASE# PLN2023-00009; 2204 Valley Pike

A variance application for the property located at 2204 Valley Pike to construct a 4,800 square foot building within the I-1 Light Industrial Zoning District. To construct the proposed building, the applicant is requesting the following variances: 1) relief from the maximum front yard setback requirements for a primary building, 2) relief for the design requirements for buildings, and 3) relief from the required location for vehicular parking spaces.

Applicant	Staffco Construction Inc 1340 Spangler Rd Fairborn, OH 45324
Owner	John Aveyard 4050 Cloverdale Rd Medway, OH 45341
Existing Land Use and Zoning:	Vacant Property; I-1 (Light Industrial)
Surrounding Land Use and Zoning:	North – Industrial property and housing; I-1 Light Industrial and ER-4 Eclectic Residential South – Vacant Land; I-1 Light Industrial East – Vacant Land; I-1 Light Industrial West – Industrial Building; I-1 Light Industrial
Land Use Committee:	Northeast
Planning District:	Old North Dayton
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, Staffco Construction, requests approval to construct a 4,800 square foot building within the I-1 Light Industrial Zoning District. To construct the proposed building, the applicant is requesting the following variances: 1) relief from the maximum front yard setback requirements for a primary building and 2) relief for the design requirements for buildings.

Mr. Green presented an overview of the proposal and the site. Mr. Green provided context on the location, zoning, and character of the surrounding area and street. He shared the public comments received regarding the case.

Mr. Green noted that a new site plan was submitted with all parking to the side and rear of the property removing the need for a variance. Mr. Green went over the site plan and building elevations for the proposal and stated that the orientation of the building and placement were as a result of the applicant working with

staff. Mr. Green noted that while the location and orientation appeared to be appropriate, conditions should be placed on the proposal if the board deemed the application approvable.

Mr. Green stated that staff would recommend the proposed Variances be approved with conditions. Mr. Green noted that the recommendation is based on the standards outlined in section 150.120.10(D)(1).

The board questioned the what the proposed use of the property is. Mr. Green stated the application noted no defined use and clarified the variances themselves were only for the building and whether it is appropriate. Mr. Daugherty noted that typically a use has been declared when coming before the BZA.

Public Testimony

John Stafford, 9988 West Union Road (Medway OH), identified himself as the applicant and outlined the history of the property. Mr. Stafford explained some of the proposed uses that could go in but clarified at this time, no end use has been chosen.

Mr. Stafford and the board discussed the building and potential uses. The board and the applicant discussed the parking area and what areas would be paved.

John Aveyard, 4050 Cloverdale (Medway OH), identified himself as the trust owner. Mr. Aveyard explained the history of the property and was present to answer any questions.

Board Discussion

The board believed the request to be appropriate for the site and discussed conditions for approval.

Board Decision

A motion was made by Mr. Brand 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 Variance with the following conditions:

- 1) 3 Street trees be added along Valley Pike
- 2) A 10' dense vegetative buffer (or light landscaping and fence) be placed along the Northeastern property line abutting the residential property.
- 3) Parking spaces and drive aisle connected to Valley Pike be paved.
- 4) All parking be in the side or rear yard of the property.

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

Approved by the Board of Zoning Appeals on March 28, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



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4. BZA CASE# PLN2023-00019; 250 Delaware Ave

A Conditional Use request to operate an 11-unit multi-family dwelling for the property located at 250 Delaware Avenue within the MR-5 Mature Residential Zoning District. The applicant is also requesting the following variances: 1) relief the required side and rear setbacks for the primary building, 2) relief from the required number of parking spaces for the site, and 3) relief from the minimum dwelling unit size per apartment.

Applicant

Forty Nine Properties & Acquisitions
LLC
3755 Sunburst Ridge Ln
Cincinnati, OH 45248

Owner

Forty Nine Properties & Acquisitions
LLC
3755 Sunburst Ridge Ln
Cincinnati, OH 45248

Existing Land Use and Zoning:

Vacant Property; MR-5 (Mature Residential)

Surrounding Land Use and Zoning:

North – Residential; MR-5 (Mature Residential)
South – Residential; MR-5 (Mature Residential)
East – Residential; MR-5 (Mature Residential)
West – Residential; MR-5 (Mature Residential)

Land Use Committee:

North Central

Planning District:

Five Oaks

Planning Staff Contact:

Jeff Green

Mr. Green presented the case.

The applicant, Forty Nine Properties & Acquisitions LLC, requests approval to operate an 11-unit multi-family dwelling for the property located at 250 Delaware Avenue within the MR-5 Mature Residential Zoning District. The applicant is also requesting the following variances: 1) relief the required side and rear setbacks for the primary building, 2) relief from the required number of parking spaces for the site, and 3) relief from the minimum dwelling unit size per apartment.

Mr. Green presented an overview of the proposal and the site. Mr. Green provided context on the location, zoning, and character of the surrounding area and street. He shared the public comments received regarding the case. Mr. Green noted that the site itself is in the nuisance program due to its deteriorated state. Mr. Daugherty stated the property has been problematic for the area from a nuisance perspective.

Mr. Green went over the requested Conditional Use and Variances stating that while the overall reuse would be appropriate, there was a concern regarding the overall density of the proposal and any approval should potentially limit that. Mr. Green noted that the proposal would add 2-bedrooms to each dwelling unit where currently each dwelling unit has only 1 bedroom.

Mr. Green stated that staff would recommend the proposed request be approved with conditions. Mr. Green noted that the recommendation is based on the standards outlined in section 150.120.10(D)(1).

The board questioned the dwelling unit size regulation. Mr. Green noted the regulations were for all multi-family properties city-wide per the zoning code. The board and staff discussed the proposal in terms of total parking provided.

Public Testimony

Abraham Kuranga, 3755 Sunburst Ridge Ln (Cincinnati OH), identified himself as the applicant and owner of the subject property. Mr. Kuranga outlined the history of how he acquired the property and his plans for it. He noted that he would prefer to reuse the building as is without removing 3 dwelling units as that would be costly.

Board Discussion

The board discussed the request and did not believe reconsolidating the number of units was feasible and instead discussed the need for limiting the number of bedrooms. The board discussed the need for potential bicycle parking and to pave the rear parking area.

Board Decision

A motion was made by Mr. Martin and seconded by Mr. Bement and carried to determine that there is a adequate evidence to make the specified findings required under R.C.G.O. 150.120.10(D)(1) and approve the application for Variance with the following conditions:

- 1) The 9 dwelling units in the rear be 1-bedroom units.
- 2) 6 bicycle parking spaces be provided.
- 3) Parking area in the rear be paved.

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

Approved by the Board of Zoning Appeals on March 28, 2023.

Jeff Green, Secretary
Board of Zoning Appeals
