



City of Dayton

Board of Zoning Appeals

Minute Record Overview

April 25, 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, and Ms. Diane Graham

Members Absent: Ms. Lisa Tingle and Mr. David Brand

Mr. Ciani called the meeting to order at 4:35 P.M.

1. PLN2023-00096 – Conditional Use application to expand the Community Center use for the property located at 922 Riverview Avenue within the MR-5 Mature Single Family Residential Zoning District and Old Dayton View Planning District. The applicant is also requesting the following variances: 1) Allow for total lot coverage of 82%, 2) Relief from the location and side yard setback for parking areas 3) Relief from the number of parking spaces provided and, 4) Relief from the minimum rear yard setback of a primary building.

Applicant: RDA Group
7945 Washington Woods Dr
Dayton, OH 45459

Priority Land Use Board: North Central

Planning District: Old Dayton View

Decision: Approved as Submitted

2. PLN2023-00071– Conditional Use application by Anthony Sheperd to utilize the property located at 925 Vernon Drive as a multi-family dwelling within the Mature Single Family Residential Zoning District and the Southern Dayton View Planning District. The applicant is also requesting the following variances: 1) reduce required dwelling unit space from 600 sq.ft. to 550 sq.ft., and 2) and relief from parking requirements.

Applicant: Anthony Sheperd
2015 Burbank Dr
Dayton, OH 45406

Priority Land Use Board: North Central

Planning District: Southern Dayton View

Decision: Approved with Conditions

3. PLN2023-00057 – Conditional Use application develop the property located at 1610 N Main Street for a mixed use development (retail, multifamily, restaurant) within the T Transitional Zoning District and the Riverdale Planning District. The applicant is also requesting the following variances: 1) relief the front yard setback for a primary building, 2) relief from the setback from the parking area when abutting a residential district, 3) relief from the required number of loading spaces, 4) relief from the amount of parking proposed, and 5) relief from the landscaping/screening requirements.

Applicant: Pinnacle Architects c/o Mike Taylor
480 Vantage Point Suite 201
Miamisburg, OH 45342

Priority Land Use Board: North Central

Planning District: Riverdale

Decision: Approved with Conditions

3. PLN2023-00095 – Conditional Use request to operate a vehicular fueling station with accompanying convenience store and car wash for the property at the west corner of Brandt Pike and Needmore Road within the SGC Suburban General Commercial Zoning District. The applicant also requests the following Variances: 1) allow for an increase in the amount of access drives per street frontage for a fueling station, 2) allow for a vehicle circulation area of less than 30 feet between the pump island and parking, and 3) allow for the approach and bypass lane to have a minimum lane width of less than 22 feet.

Applicant: McBride Dale Clarion
5721 Dragon Way, Suite 300
Cincinnati, OH 45213

Priority Land Use Board: North Central

Planning District: Kittyhawk

Decision: Approved with Conditions

The Board of Zoning Appeals meeting was adjourned at 6:53 P.M.

Minutes approved by the Board of Zoning Appeals on May 23, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record
April 25, 2023

1. BZA CASE# PLN2023-00096; 922 Riverview Ave

A Conditional Use application to expand the Community Center use for the property located at 922 Riverview Avenue within the MR-5 Mature Single Family Residential Zoning District and Old Dayton View Planning District. The applicant is also requesting the following variances: 1) Allow for a total lot coverage of 82%, 2) Relief from the location and side yard setback for parking areas 3) Relief from the number of parking spaces provided and, 4) Relief from the minimum rear yard setback of a primary building.

Applicant	RDA Group 7945 Washington Woods Dr Dayton, OH 45459
Owner	Catholic Social Services of The Miami Valley 922 Riverview Ave Dayton OH 45402
Existing Land Use and Zoning:	Catholic Social Services/vacant residential property; MR-5 Mature Residential
Surrounding Land Use and Zoning:	North – Single Family Residential; MR-5 Mature Residential South – House of Bread; MR-5 Mature Residential East – McIntosh Park; OS Open-Space West – Single-Family Residential; MR-5 Mature Residential
Land Use Committee:	North Central
Planning District:	Dayton View
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, RDA Group, requests Conditional Use approval to expand the Community Center use for the property located at 922 Riverview Avenue within the MR-5 Mature Single Family Residential Zoning District and Old Dayton View Planning District. The applicant is also requesting the following variances: 1) Allow for a total lot coverage of 82%, 2) Relief from the location and side yard setback for parking areas 3) Relief from the number of parking spaces provided and, 4) Relief from the minimum rear yard setback of a primary building.

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 the proposed use is harmonious, as it is already found on the site, and that many of the variances being requested can currently be found on the site. He highlighted that one moving food pantry traffic and loading off of Orth Ave is a major enhancement and could help alleviate a potential safety issue. Mr. Green recommended that the proposal be approved as submitted.

Public Testimony

Greg Snyder (RDA Group), 7945 Washington Woods Dr (Washington Township OH), identified himself as the applicant and discussed the proposal and why the proposed addition was placed on the site.

Kerry Craig, 922 W Riverview Ave (Dayton OH), discussed operating hours of the food pantry and how it is currently run. Went over the history of the Catholic Social Services for the site.

The board questioned the traffic flow given changes to the site. Mr. Snyder explained the traffic circulation coming in from Riverview Avenue and exiting off Middle Street. He further stated that CCS is entering into a MOU with the City to utilize soon to be developed parking lot in the park across the street.

Larkin Vonalt, 1010 W Riverview Ave (Dayton OH), opposed to the proposal. Explained that since a food pantry was added, there has been an increase in vandalism, vagrancy, and other undesirable outcomes due to its operation and folks it serves. Believes that box trucks coming and going onto Middle Street will be a will be an issue due to the width of the street when on-street parking occurs.

The board questioned Mr. Snyder regarding the plans submitted and whether the expansion meant more zip codes would be served.

Board Discussion

The board the proposal and believe the proposed building addition would alleviate some existing conditions and is appropriate for the property.

Board Decision

A motion was made by Mr. Martin and seconded by Ms. Patterson and carried to determine that there is adequate evidence to make the specified findings required under R.C.G.O. § 150.535 and 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 as submitted for a Conditional Use and Variances.

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

Approved by the Board of Zoning Appeals on May 23, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



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2. BZA CASE# PLN2023-00071; 925 Vernon Dr

A Conditional Use application to reoccupy a 1-story multi-family apartment building located at 925 Vernon Drive within the "MR-5" Zoning District. The applicant additionally requests the following Variances: (1) Reduction of required dwelling unit size from 600 sq. ft. to 550 sq.ft. (2) Relief from the minimum off-street parking requirement.

Applicant Anthony Shepherd
2015 Burbank Dr
Dayton, OH 45406

Owner Anthony Shepherd
2015 Burbank Dr
Dayton, OH 45406

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

Surrounding Land Use and Zoning:
North: Single Family Dwelling; MR-5
South: Single Family Dwelling; MR-5
East: Vacant lot; MR-5
West: Multi-Family Dwelling; MR-5

Land Use Committee: North Central

Planning District: Southern Dayton View

Planning Staff Contact: Holly Hornbeak

Ms. Hornbeak presented the case.

The applicant, Anthony Shepherd, requests a Conditional Use to reoccupy a 1-story multi-family apartment building located at 925 Vernon Drive within the "MR-5" Zoning District. The applicant additionally requests the following Variances: (1) Reduction of required dwelling unit size from 600 sq. ft. to 550 sq.ft. (2) Relief from the minimum off-street parking requirement.

Ms. Hornbeak presented an overview of the proposal and the site, and provided context on the location, zoning, and character of the surrounding area and street.

Ms. Hornbeak recommended approval of the request, noting that the proposed use is harmonious with the surrounding neighborhood fabric, and will result in the reuse of an existing multi-family structure, which is currently vacant. She did discuss the concerns with the lack of a more detailed parking plan for the proposed lot at the rear of the property but did note that the area has available on-street parking.

Public Testimony

Anthony Shepherd, 2015 Burbank Dr (Dayton OH), identified himself as the applicant. Mr. Shepherd had no further details to add to the case.

Board Discussion

The board discussed the proposal. Mr. Bement noted that, as the proposal calls for four dwelling units, the property would be a commercial multi-family structure, and would require an accessible parking space. The board found the recommendation by staff that a more detailed parking plan be submitted for zoning review acceptable.

Board Decision

A motion was made by Mr. Martin and seconded by Ms. Patterson and carried to determine that there is adequate evidence to make the specified findings required under R.C.G.O. § 150.535 and 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 as submitted for a Conditional Use and Variances.

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

Approved by the Board of Zoning Appeals on May 23, 2023.

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3. BZA CASE# PLN2023-00057; 1610 N Main Street

A Conditional Use application to develop the property located at 1610 N Main Street for a mixed use development (retail, multifamily, restaurant) within the T Transitional Zoning District and the Riverdale Planning District. The applicant is also requesting the following variances: 1) relief the front yard setback for a primary building and 2) relief from the setback from the parking area when abutting a residential district.

Applicant	Pinnacle Architects c/o Mike Taylor 480 Vantage Point Suite 201 Miamisburg, OH 45342
Owner	Ralph Kato Company 1610 N Main Dayton OH 45405
Existing Land Use and Zoning:	Restaurant and Vacant Land; T Transitional
Surrounding Land Use and Zoning:	North – Restaurant and Vacant Land; T Transitional South – Funeral Home; MNC Mature Neighborhood Commercial East – Residential; MR-5 West – office/retail; T Transitional
Land Use Committee:	North Central
Planning District:	Riverdale
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, Pinnacle Architects, requests Conditional Use approval to develop the property located at 1610 N Main Street for a mixed-use development (retail, multifamily, restaurant). The applicant is also requesting the following variances: 1) relief the front yard setback for a primary building and 2) relief from the setback from the parking area when abutting a residential district

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 the subject property is underutilized and that the proposed uses along a major corridor would constitute a better overall use for the site. He further stated that the applicant has been working with

the overall design and layout of the proposal with the city to eliminate as many variances as possible to meet the intent of the code. Mr. Green noted the one potential issue is in relation to having a dumpster abutting a public street, though he discussed this with the applicant and recommended the dumpster potentially be moved or have added buffering.

Public Testimony

Mike Taylor (Pinnacle Architects), 480 Vantage Point Suite 201 (Miamisburg OH), identified himself as the applicant and handed the board larger paper printouts of the proposal. Mr. Green noted this handout were “exhibit A.” Mr. Taylor discussed the history of the proposal and the public input and support for the proposal. He further explained why he believes the proposal is a good fit for N Main Street and help reactivate this portion of the street. Mr. Taylor stated that the dumpster can be screened by incorporating it into the building design to better buffer it.

Mr. Taylor and the board discussed the alley and its use as the vehicular access to the site. Mr. Green stated that a potential condition could be the traffic engineer approval for use of the alley or an alternative access from Burton Street.

The board discussed the dumpster and whether or not the underground gas tanks were removed from the gas station that was previously housed on the site. Mr. Taylor stated the tanks have been removed with a report from the EPA.

Board Discussion

The board discussed the proposal noting that the dumpster could remain, but further buffering would be required. The alley as a vehicular ingress/egress point was discussed and whether future plans for it to be widened should come from the engineering division.

Board Decision

A motion was made by Mr. Bement and seconded by Ms. Patterson and carried to determine that there is adequate evidence to make the specified findings required under R.C.G.O. § 150.535 and 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 as submitted for a Conditional Use and Variances with a condition:

- 1) The dumpsters be further buffered and integrated with building architecture
- 2) The City of Dayton traffic engineer formally approves the use of the alley as proposed

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

Approved by the Board of Zoning Appeals on May 23, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



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4. BZA CASE# PLN2023-000095; west of intersection of Brandt Pike and Needmore Road

A Conditional Use application to operate a vehicular fueling station with accompanying convenience store and car wash for the property at the west corner of Brandt Pike and Needmore Road within the SGC Suburban General Commercial Zoning District. The applicant also requests the following Variances: 1) allow for an increase in the amount of access drives per street frontage for a fueling Station and 2) allow for a vehicle circulation area of less than 30 feet between the pump island and parking.

Applicant	McBride Dale Clarion 5721 Dragon Way, Suite 300 Cincinnati, OH 45213
Owner	Mt. Pisgah Baptist Church Of Dayton 1 Diamond Ave Dayton, OH 45403
Existing Land Use and Zoning:	Vacant Land; SGC (Suburban General Commercial)
Surrounding Land Use and Zoning:	North: Commercial Building; SGC Suburban General Commercial South: Commercial; SGC Suburban General Commercial East: UDF/Commercial; SGC Suburban General Commercial West: Industrial; I-1 Light Industrial
Land Use Committee:	Northeast
Planning District:	Kittyhawk
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, McBride Dale Clarion, requests a Conditional Use to operate a vehicular fueling station with accompanying convenience store and car wash for the property at the west corner of Brandt Pike and Needmore Road within the SGC Suburban General Commercial Zoning District. The applicant also requests the following Variances: 1) allow for an increase in the amount of access drives per street frontage for a fueling Station and 2) allow for a vehicle circulation area of less than 30 feet between the pump island and parking.

Mr. Green presented an overview of the proposal and the site, and provided context on the location, zoning, and character of the surrounding area and street. He further explained that the Conditional Use request is only for the vehicular fueling station as the convenience store and car wash are both permitted

with standards. Mr. Green noted that the Dayton Engineering Division is not opposed to the requested vehicular access points along Needmore Road though discussed the intent of the code which was to have all vehicular access points on an intersection as far from the intersection as possible.

He recommended approval of the request with conditions, noting that the proposed use is harmonious with the surrounding land use and nearby property uses.

Public Testimony

Jonathan Woche – McBride Dale Clarion, 5721 Dragon Way Suite 300 (Cincinnati OH), identified himself as the applicant and had a slide presentation for the board. Mr. Woche discussed the Getgo brand and why he believed the overall request should be granted. He explained that they discussed the proposal with the Dayton Engineering Division and noted they were OK with the proposed site layout so long as some trees/vegetation could be cleared to maintain line-of-site for traffic.

The board and applicant discussed the vehicular access points and distance for drive aisles. The board mentioned the site as being well wooded and expressed a desire to preserve trees where feasible.

Board Discussion

The board discussed the proposal and noted that the use seemed appropriate as well as the variances. The board noted that if the Dayton Division of Engineering raised no concerns, then they believed it to be acceptable. Noted that the property has significant vegetation and expressed a wish to save trees where feasible.

Board Decision

A motion was made by Mr. Bement and seconded by Ms. Patterson and carried to that there is adequate evidence to make the specified findings required under R.C.G.O. § 150.535 and 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 as submitted for a Conditional Use and Variances with a condition:

- 1) Maintain as many of the existing trees as practical

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

Approved by the Board of Zoning Appeals on May 23, 2023.

Jeff Green, Secretary
Board of Zoning Appeals
