



City of Dayton

Board of Zoning Appeals

Minute Record

July 27, 2021

1. BZA CASE PLN2021-00264; 1986 Home Avenue

A **Conditional Use** request to permit a truck terminal for six (6) dump trucks maximum and a 1-bay, 1,600-sf metal building used for accessory repair and storage at 1986 Home Avenue (Parcels R72 09011 0012, 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 0.77-acres, to allow gravel surface for truck parking, eliminate the required 10-ft parking setback from the ROW and 5-ft setback at the rear, to eliminate street trees spaced 30-ft on center along Home Avenue, eliminate parking lot curbs, to eliminate required building entrance 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

Priority Land Use Board:

West

Planning District:

Roosevelt

Planning Staff Contact:

Abigail Free

Ms. Free presented the case. Ms. Free explained this case was heard and denied in January 2021. After the prior case was denied, the property owner finalized the vacation of S Orchard Ave and the Applicant has added the vacated ROW and land to the west to the Conditional use and Variance request. Ms. Free presented vicinity and aerial maps showing the previous subject property and the new, larger site included with the case. The changes to the site include 1) an increase in lot size from 0.31-acres to 0.77-acres, 2) an increase of lot frontage to 350-ft

(including 5 existing curb cuts),

Ms. Free reviewed the previous site plan, which stored 4 dump trucks and proposed a new curb cut and a 1,600-sf building to be used for storage and truck repair on a 0.31-acre site. Ms. Free then showed the new, larger site, but noted that the overall improvements to the site were the same as the previous proposal but did add two additional dump trucks stored on an unimproved surface.

There are proposed changes to the floor plan and elevations of the new building. Four windows were added to the front elevation visible from Home Avenue, but the primary entrance remains on the side elevation. Also, a brick masonry base has been added to the front and main side elevation to make the structure more contextually appropriate.

Next, Ms. Free presented the Specific Regulations for Truck Storage/Terminal. Regulations include lot size, requesting a reduction from 3-acres required to 0.77-acres (75% reduction), lot width is compliant (200-ft required, 350-ft provided) and is located very close to James H. McGee, an arterial. Repair are proposed to be done within the building and hours of operation are Monday to Friday 8:00am-5:00pm. Setbacks for the building are compliant, however the now included gravel area has an existing setback of 0-ft; 10-ft is required. The subject property does not abut a Residential District, but it does abut a residential structure and no screening is proposed. Last, six dump trucks exceed 100% of the building area which is not compliant.

There are also Specific Regulations for Motor Vehicle Repair including 1-acre requires, 0.77-acres proposed (25% reduction), lot width 150-ft required, 350-ft proposed, not outdoor storage permitted, dump truck storage outdoors proposed. One access drive per street frontage, 5 existing, 1 new proposed. Repair done inside building and parking behind the front line of the building are both compliant.

Also, Design elements and general site requirement were presented. Design elements require windows and the primary entrance to be oriented along a street frontage. They have added windows and a brick base to the front, but the entrance remains on the side. Perimeter curbs were also asked to be waived.

Standards for the Conditional Use were reviewed and Ms. Free noted that the design of the site was not changed after increasing the lot size and is not designed to be appropriate for the site. She also noted that an increase in noise is a possibility. Next the Standards for a Variance were reviewed. Due to the increase in lot size, the site now has a unique triangular shape that abuts the State Route 35 wall. The site is likely too small for other industrial redevelopment due to its irregular shape and the utility easement running through the vacate street which cannot locate a building over top. Variances are likely for any redevelopment. The variance for lot size is considered substantial and the site design has not changed even after increasing the lot size.

Recommendation

Ms. Free shared feedback received regarding the case. CityWide is concerned with the proposed use due to Home Avenue's future use as bike infrastructure with lane sharrows. West Land Use

Board recommended denial. Ms. Free recommended denial due to the site design having no significant changes from the previous case which discussed the lack of maneuverability within the paved area and the applicant has not increase the paved area or any reuse of the vacated S Orchard Avenue. Ms. Free recommended that the site be redesigned to better comply with the zoning code and also included a list of recommended changes/ conditions if the Board were to consider approval of the Conditional Use and Variances.

Conditions include:

1. Limit of 6 dump trucks to be stored on site. An increase in trucks will require approval by the Board of Zoning Appeals.
2. All vehicles shall be parked or stored on a dustless solid surface of asphalt or concrete.
3. All chain link fencing with barbed wire shall be removed.
4. One driveway curb cut shall be permitted and be located at the vacated ROW.
5. Existing curb cuts shall be removed and replaced with new curb and new sidewalk shall be installed along the full width of the site along Home Avenue.
6. The parking area shall be extended to the west edge of the vacated S. Orchard Avenue. Perimeter curbs shall not be required for the parking area.
7. Street trees shall be placed along the full street frontage of the site in accordance with the 150.800.5 Landscaping Requirements Along Street Frontages.
8. Solid screening is required along the east property line.

Questions

Mr. Martin asked if the photos from the presentation were new. Ms. Free clarified that two new photos were included with previous photos showing that the site is currently being used to store the dump trucks without approval. The Applicant has stated that the owners will use the redeveloped area once approved.

Mr. Ciani asked why one slide mentioned a 1-acre requirement and the packet notes a 3-acre requirement. Ms. Free clarified that two uses are proposed, the truck terminal required 3-acres and the motor vehicle repair requires 1-acre.

Applicant Testimony

Rick Holmes, the Architectural Group, 135 N Main Street, clarified that the parking of vehicles currently on the triangle section of the site will be remedied with the proposed redevelopment of the site. He also acknowledges the Planning Staff recommendation to use S Orchard Avenue as the curb cut for vehicular access and expand the parking to include the vacated ROW and is willing to make those changes for maneuverability and egress onto Home Avenue. Randall Lucas, the property owner, did not wish to add any further comment.

Public Testimony

Ken Marcellus, representing the West Priority Land Use Board, noted that the Land Use Response should cover their recommendation and he is here to answer any questions. Mr. Bement asked if the site were to be revised using Planning Staff's recommendation would it make him amenable to the approval of the case. Mr. Marcellus is fundamentally concerned with

the site size and the zoning code's requirements. He is not concerned with the use.

Mr. Holmes returned to emphasize that the staff recommendations make sense. Mr. Ciani asked to review the recommended conditions on the screen. Mr. Holmes was concerned about adding street trees all along Home Avenue and its taper down. He is adding trees in front of the building and along Home but is not a deal killer to add more trees.

Board Discussion

Ms. Patterson still has concerns with the size of the lot since zoning required 3-acres and not quite one is proposed. Vehicles of the size are pressed to be stored on the site and not enough land is proposed. Mr. Bement thinks the site is unique due to State Route 35 wall being behind the site and its only really visible from one side/ area. He would like to see the site revised to increase the traffic flow and table the case and have the Applicant submit a revised layout that considers all of the recommended conditions.

Mr. Martin discussed the reasoning behind the requirement of 3-acres. Is it to pile the site full of trucks? Mr. Daugherty says the 3-acres is a fixed amount but the number of trucks permitted is in direct relation to the size of the structure on site and can't be more than 100% of the building footprint. The six trucks are over 100% of the proposed building size although the dump trucks are smaller than semi-trucks. Mr. Martin calculated that the dump trucks are 10-ft by 30-ft and the building is 1,600-sf; 300-sf per truck multiplied by 6 is 1,800-sf. The building is slightly smaller (200-sf smaller) than the proposed amount of trucks. He speculates that if you are only parking six trucks maybe you don't need 3-acres. Mr. Martin is also concerned about what else the property could be used for. Limiting the site to five or six trucks keeps with the ratio of building size to truck storage area.

Mr. Brand agrees with Mr. Bement. The recommended conditions could make it doable as long as no trucks are parked off the pavement. Added pavement and using the existing cut will help with circulation. Mr. Bement believes that the paved area as presented would require trucks to back out onto the street. Increasing the paved parking area with help with traffic circulation, ingress and egress and would be doable if including the vacated street. Again, Mr. Bement would like to see what the revision of the site plan would look like.

Board Decision

A motion was made by Mr. Bement, seconded by Mr. Brand and carried to table the request for a Conditional Use and Variances until August and directed the Applicant to revise the Site Plan to reflect the recommended changes (conditions) presented by City Staff.

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

Minutes approved by the Board of Zoning Appeals August 27, 2021.

Tony Kroeger, Secretary Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record

July 27, 2021

2. BZA CASE PLN2021-00272; 4475 Old Troy Pike

A Conditional Use request by applicant RDA Group Architects - Greg Snyder, to operate a daycare and church out of the eastern building at the property located at 4475 Old Troy Pike, Dayton, Ohio 45404 in an SR-1 (Suburban Residential) Zoning District. The property will also be used for assembly uses as an event center.

Applicant: RDA Group Architects
c/o Greg Snyder
7945 Washington Woods Dr
Dayton, Ohio 45459

Owner: Kemran Gafurov
4457 Old Troy Pike
Dayton, Ohio 45414

Existing Land Use and Zoning: Assembly Hall; SR-1

Surrounding Land Use and Zoning: **North** – Vacant Land; SMF Suburban Multifamily
South - Single Family Home; SR-1 Suburban Residential
East – Vacant Land; SR-1 Suburban Residential
West - Vacant Land; SR-1 Suburban Residential

Land Use Priority Board: Northeast

Planning District: Kittyhawk

Planning Staff Contact: Jeff Green

Mr. Green presented the case.

The subject property is 5.3 acres in size and is located on the west side of Old Troy Pike just south of the intersection of Needmore Road. It lies within the Kittyhawk planning district but is also close to the City of Riverside border. This portion of Old Troy Pike is zoned SR-1 Suburban

Single-family residential, with suburban commercial to the north at Needmore Road, as well as Suburban multi-family in close proximity.

The property was developed as a church at the front (eastern building) with a large accessory fellowship hall at the rear (western building), both on the same parcel with a large parking area in between. The site plans indicate the eastern building (church) is 9,000 square feet in size. There is a total of 199 parking spots located on this site with 8 of those spots be handicap accessible.

While this site was built, and previously utilized as a church, there has been some period of vacancy for that use. As such, a conditional use is required before a church could be a reestablished use at the site. In addition, this property was granted a Use Variance at the July 28, 2020 BZA meeting to be used as an Assembly Hall (Event Center). As a result of the approval for the Use Variance, the following updates occurred to the site: Site lighting, new landscaping installed (including landscaped islands), screening for adjacent sites (landscaping and fencing), restriped parking lot, and street trees.

Per the plans submitted, the daycare drop-off is proposed to be located at the western side of the church building under an existing overhang. A 100 square foot fenced "recreation area" is proposed along the southern side of the building which is currently an undeveloped grass field. The fence surrounding the recreation area is proposed to be an aluminum fence 6' in height.

Per the floor plans submitted, roughly a third of the building would be used as a daycare with the rest of the property being used as either a church or assembly use. The daycare would consist of 3 classrooms and 4 offices over two floors while the remaining two-thirds of the building would be for a church/assembly use.

The proposed uses of the site (church, daycare, assembly hall), while slightly expanded, are largely in line with the original intent and development of the land which should result in little noticeable change in intensity. The site itself has ample parking and is located on a large lot with a good amount of landscaping for buffering between nearby residential properties. While there will be increased traffic on Old Troy Pike at certain times of the day, the applicant states that there will be no concurrent uses meaning there is little chance that the site would become overutilized. Given how the site was developed, and its previous uses, the proposal would seem to fit in well with that of the neighborhood.

Public Comment

The Northeast Priority Land Use met on July 21, 2021 and unanimously recommended the proposal be approved as submitted. No public comments have been received for or against the request.

Staff recommendation

Mr. Green noted that staff recommends approval of the Conditional Use with the following condition:

1. The property owner shall maintain in perpetuity all fencing, screening, and landscaping, in good condition and keep them neat and orderly in appearance and free of refuse, debris, and

weeds.

Public Testimony

The applicant, Greg Snyder was given the opportunity to speak. Mr. Snyder described the history of the project and previous work that has been conducted on site.

Board Discussion

Mr. Martin questioned the wording of the condition recommended by staff and if it is appropriate. Mr. Ciani noted that with daycares they like to look at the safety aspect for kids and that this application looked clean.

Board Decision

A motion was made by Mr. Bement and seconded by Mr. Martin, 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. 150.535 and approve the applications as submitted for a Conditional Use.

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 August 24, 2021

Tony Kroeger, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record

July 27, 2021

3. BZA CASE PLN2021-00270; 911 Salem Avenue

A Conditional Use request to permit a parking lot containing five (5) standard parking spaces and one (1) handicap space on a vacant lot located at 911 Salem Avenue (Parcel R72 06906 0039) to be used as an accessory to established administrative offices located at 915 Salem Avenue (Parcel R72 06906 0038) within a MR-5 Mature Single-Family Residential District in the Five Oaks Planning District. The applicant is also requesting the following variance: (1) A variance to reduce the required 30-ft parking setback from the front yard to a 5-ft setback.

Applicant: Dayton Unit of NAACP
c/o Dr. Derrick L. Foward
915 Salem Avenue
Dayton, Ohio 45406

Owner: NAACP Empowerment Programs Inc.
4805 Mt. Hope Drive
Baltimore, MD 21215

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

Surrounding Land Use and Zoning: **North:** Administrative Offices; MR-5
East/South: Single-Family Dwellings; MR-5
West: Church; ER-4

Land Use Priority Board: North Central

Planning District: Five Oaks

Planning Staff Contact: Keeghan White

Mr. White presented the case.

The applicant requests to establish a restricted parking lot in the currently vacant lot located at 911 Salem Avenue in an MR-5 Single-Family residential district. The parking lot would serve as off-street parking for the neighboring Dayton Unit of the National Association for the Advancement of Colored People

(NAACP), which currently has a staff of fourteen (14) people. A restricted parking lot area Conditional Use within an MR-5 zoning district requires approval by the Board of Zoning Appeals. The applicant also requests a variance for a front yard setback.

The subject property is currently a vacant grass lot that historically contained a single-family home that was demolished in 2018 by the Montgomery County Land Reutilization Corporation. The property was sold to NAACP Empowerment Programs Inc on April 19, 2021. Vehicular access to the proposed parking lot would be via the alley that is accessible from Harvard Boulevard to the south of the property, from Manhattan Avenue to the north of the property, and via Salem Avenue through a proposed curb cut. Hours of operation would be Monday to Friday from 10:00 a.m. to 2:00 p.m. The property is approximately point eleven (.11) acres and would provide parking for six (6) vehicles with another three (3) spaces being provided on the existing parking pad behind 915 Salem Avenue. If approved, there would be a total of nine (9) parking spaces provided for the NAACP offices.

If approved, the requested variances would allow for an appropriate number of off-street parking spaces and provide an appropriate accessory use to the administrative offices at 915 Salem Avenue on currently vacant land. The required setback from the front yard is thirty feet (30'), and the applicant is requesting that it be reduced to five feet (5') to allow for an adequate number of parking spaces and to avoid a 25% parking capacity loss. The applicant worked with staff to bring the project closer to compliance with the front yard setback requirement by increasing the size of the setback from five feet (5') to seventeen point one feet (17.1'). The applicant has also worked with staff to address safety concerns by including a right turn only drive apron and narrowed exit to prevent vehicles from entering the parking lot from Salem Avenue. In consideration of the adjacent residential properties, the site plan includes screening and landscaping along the front yard in the form of two and a half inch (2-1/2") caliper deciduous canopy trees and in the side yards, six foot (6') wooden privacy fences and a forty-two inch (42") dense living hedges.

Public Comment

The North Central Priority Land Use Board met on Tuesday, July 6 and unanimously recommend the application be approved. Letters of support were written by the tenant of 907 Salem Avenue and the Pastor of Grace United Methodist Church. An email was also received by the owner of 907 Salem Avenue regarding the impact the project could have on his property's value.

Staff recommendation

Staff would recommend approval of the applications as submitted with no conditions.

Public Testimony

The applicant, Dr. Derrick L. Foward, was given the opportunity to speak. He reiterated the need for the parking lot and spoke about the support the NAACP has from the neighborhood as well as the community engagement that the organization undertakes.

Board Discussion

Mr. Bement asked the applicant whether he considered signage or outreach to instruct people to enter the parking lot from the alley rather than from Salem Avenue. Mr. Brand noted that the application looks clean.

Board Decision

A motion was made by Ms. Patterson 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. 150.535 and R.C.G.O. §150.120.10 (D)(l) and approve the applications as submitted for a Conditional Use and Bulk Variance.

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 July 27, 2021

Tony Kroeger, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record

July 27, 2021

4. BZA CASE # 2021-00278 – 401 Nassau St.

A **Conditional Use** request to construct a 32,068 sq. ft. child daycare center and **Variations** to 1) increase the maximum lot coverage from 50% to 67%, 2) reduce the minimum side yard setback from 20' to 12'-6", 3) reduce the minimum required off-street parking spaces from 130 to 72, and 4) increase the maximum front yard setback from 20' to 70' on 2.51 acres at 401 Nassau St. (City Lot #6968) within an MR-5 Mature Single-family Zoning District.

Applicant	Pinnacle Architects, Inc. c/o Michael T. Taylor 480 Vantage Point, Ste. 201 Miamisburg, OH 45342
Owner	East End Neighborhood Development Corporation 624 Xenia Ave. Dayton, OH 45410
Existing Land Use and Zoning:	MR-5; Mature Single-family Residential
Surrounding Land Use and Zoning:	North/South/East/West: MR-5; Mature Single-family Residential Adjacent to the North: Lincoln Hill Gardens
Land Use Committee:	Southeast
Planning District:	Twin Towers
Planning Staff Contact:	Jen Hanauer

Ms. Hanauer presented the case and began by stating that the fourth variance for increasing the maximum front yard setback from 20 feet to 70 feet had been added since the Board had received their packets. The property is currently five separate parcels. MVCDC proposes to split off, combine, and purchase the southern half of the property from East End. Photos of the property show a significant grade change from a high point at Nassau and Demphle, sloping down to the west and north. The site was formerly home to the Lincoln Hill elementary school. To the north of the site is Lincoln Hill Gardens, which is run by Mission of Mary. The area is MR-5. The facility would be accessible to Linden Heights and Walnut Hills in addition to Twin Towers. The parking would be in the west part of the lot near Dover, and the structure would be at the top of the hill near Nassau. The main entrance is proposed to be on the northwest corner of the building instead of street-facing for child safety considerations. Staff likes the landscape plan but recommends that a condition of approval be that the landscape plan meet the minimum requirements of tree size as it currently does not. The floor plan shows classrooms around the perimeter of the structure

with offices and a multi-purpose room on the interior. The northwest corner will have a reception area for the main entrance and a kitchen. The lookout tower shown on the plans may be eliminated due to the negative response from the community. Elevations show that the mass of the east and south facades are to be broken up by creating faux porches for each of the classrooms to match the character of the surrounding neighborhood.

At the meeting of the Southeast Priority Land Use Committee, much of the discussion centered around lot coverage and increased traffic during pick-up and drop-off. Staff received several letters of support for the project from organizations in the area including The Glen at St. Joseph, Mission of Mary Cooperative, Learn to Earn Dayton, and East End Neighborhood Development Corporation. The committee voted unanimously in favor of recommending approval with two conditions: parking be limited on the north side of Demphle and the east side of Dover during pick-up and drop-off times, and the curb cut on Demphle be restricted to exit-only.

Staff recommends approval of the Conditional Use and Variance applications as submitted with the following conditions:

1. The landscape plan shall meet the minimum requirements set forth in the Zoning Code.
2. Rain water collected as part of a stormwater management plan shall be offered and made available to gardening efforts in the neighborhood.

Ms. Hanauer found that the project meets the requirements for a Conditional Use. She considers the variances requested to be substantial but the minimum necessary to serve the proposed number of children.

Mr. Bement asked Ms. Hanauer to explain the reason for the collected rain water condition. Ms. Hanauer explained that the project being over lot coverage could pose a potential issue with stormwater, and while the Ohio EPA will have requirements for stormwater mitigation, Ms. Hanauer believes that requiring a stormwater management plan to consider the needs of the nearby farming land use will benefit current and future users. Mr. Martin asked if this building is roughly the same size as the former school, does the lot coverage really matter. Ms. Hanauer responded that as she understands, planning and zoning in the city were more lax at the time the school was built and stormwater issues resulted from that. Ms. Hanauer believes that this new build is an opportunity to do better than we have done in the past.

Public Testimony

The applicant, Michael Taylor of Pinnacle Architects, discussed the synergies he sees possible for this project with the neighborhood and the nearby urban farming including the way the facility could be used on the weekends by the community. He also talked about several stormwater mitigation strategies that MVCDC would be interested in pursuing. Mr. Bement asked about the access to the building from the parking lot, and Mr. Taylor explained that there will be steps with a handrail. Mr. Bement asked about the stormwater plan, and Mr. Taylor talked about a retention pond and a pump that would make the water available for use by MVCDC and Lincoln Hill Gardens.

Berta Velilla of MVCDC, 215 Horace St., spoke to the experience of MVCDC as the Head Start agency for the area since 1965 and their mission to help children succeed. Ms. Velilla explained how they have made re-purposed spaces work for their other locations, but they are excited to have the opportunity for a new build that will meet the specific needs of their mission. MVCDC is also looking forward to partnering on projects for the children in their care with Mission of Mary and Lincoln Hill Gardens.

Don Hoendorf, CFO for MVCDC, spoke to the collaboration opportunities with Mission of Mary and the University of Dayton, specifically regarding nutrition for children. When asked the cost of the project, Mr. Hoendorf said that while they do not have firm numbers yet, a rough estimate would be \$18 million. MVCDC has agreements with Port Authority and CityWide, and there's a possibility for market tax credits there, possibly \$2 million. MVCDC has also put in for a City of Dayton block grant.

Raya Anderson, 823 Steele Ave., spoke in support of the project. She is an MVCDC and Head Start parent and Policy Council member who formerly worked at Lincoln Hill school. Ms. Anderson currently has to drive her children to child care, but she would be able to walk to this location. Ms. Anderson drew comparisons between this project and Aullwood Farm.

David Young, 113 Dover St., is on the board of East End Neighborhood Development. Mr. Young acknowledged the neighbors concerns about parking and additional traffic, but he supports the project.

Jan Lepore-Jentleson of East End Neighborhood Development, 624 Xenia Ave., spoke to the low-income of the area and their efforts to break the cycle of generational poverty, which she said can be done through education. Ms. Lepore-Jentleson said this project has been a dream of theirs for many years.

Leslie Sheward, president of the Twin Towers Neighborhood Association, spoke in support of the project. Ms. Sheward said that Demphle was an original part of the neighborhood's defensible spaces plan and is a one-way street, so there will not be two-way traffic on that street. She does not believe parking will be an issue for nearby residents. Ms. Sheward also spoke to the work Mission of Mary has done all over the neighborhood and how their partnership with MVCDC will be great for the children and for the neighborhood. Ms. Sheward believes this project will help to break the cycle of generational poverty.

Leslie Collins, 1102 Demphle Ave., spoke in opposition to the project. She said that the community around the property like the lot being vacant and use it for community get-togethers, such as for Fourth of July to watch the fireworks. Ms. Collins collected 24 signatures from surrounding residents on a letter that states that if the project cannot meet the minimum parking requirements, they do not want the project to be done in this location.

Michelle Mathile, vice-chair of The Glen at St. Joseph, spoke in support of the project. They have a long-standing relationship with MVCDC and Head Start as many of the mothers and children who leave their program go on to be a part of MVCDC and Head Start programs.

Mr. Taylor clarified that the current estimate for the project is \$8 million to \$10 million. Mr. Bement asked for clarification on the lookout tower. Mr. Taylor said that originally, they had thought it would be an asset to the community, but after discussions with the community they have decided that it is not a welcome feature and will not be built. However, they will keep the gateway feature.

When a question was raised about the current parking permitted on Demphle, Ms. Hanauer clarified that parking is permitted on the south side of Demphle and the north side from Nassau to about the middle of the block. A discussion with the City's traffic engineers found that Demphle is really too narrow for parking on both sides of the street, which is likely a contributing factor for residents parking on the sidewalk and in the vacant lot on the north side of Demphle. Traffic Engineering recommended enforcement of no parking on the sidewalk and also potentially limiting the parking on Demphle around the proposed curb cut for the project.

Board Discussion

Mr. Bement said he thinks this project is a great use of the site, although a stormwater plan will take some work. He thinks staff's second condition is a burden. Mr. Martin agrees and said it sounds like everyone is already working together. Mr. Brand said the second condition won't solve the problem. Mr. Bement said the spirit of cooperation is there, so the second condition is unnecessary.

Board Decision

A motion was made by Mr. Bement and seconded by Mr. Martin, 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. 150.535 and R.C.G.O. §150.120.10 (D)(1) and approve the applications as submitted for a Conditional Use and Variance with conditions:

1. The landscape plan shall meet the minimum requirements set forth in the Zoning Code.

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 July 27, 2021.

Tony Kroeger, Secretary
Board of Zoning Appeals
