



City of Dayton
Board of Zoning Appeals
Minute Record Summary

July 28, 2020

4:30 P.M.

Remote Meeting via Zoom

Members Present: Mr. Ciani, Ms. Tingle, Mr. Bement, Mr. Brand, Ms. Patterson, Mr. Martin, Ms. Graham

Members Absent: None

Ms. Blankenship being a notary, swore in all persons who have testimony including staff.

1. BZA CASE PLN2020-00208; 2813 Arden Avenue

A Variance request to screen in an existing 8' x 12' front porch and construct a new 3' x 6' landing and stairs projecting into the front yard setback at 2813 Arden Avenue within the ER-4 Eclectic single-family residential district.

Applicant: Champion of Dayton
c/o Bob Boyd
6258 Executive Blvd
Dayton, OH 45424

Owner: Mike Kirk
2813 Arden Avenue
Dayton, OH 45420

Priority Land Use Board: Southeast

Planning District: Belmont

Staff Presentation: Abigail Free

Motion: A motion was made by Ms. Graham and seconded by Ms. Patterson, and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under RCGO 150.120.10(D)(1) and approve the application for variance subject to one condition:

1. Relocate the new wood landing and starts to the left side of the screened porch to eliminate its proposed encroachment into the front yard setback.

Decision:

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



2. BZA CASE PLN2020-00241; 4475 Old Troy Pike

A Use Variance request to occupy a church recreation center as an Assembly Hall (special events center) at 4475 Old Troy Pike within the SR-1 Suburban Single-family residential district.

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

Owner: Kemran Gafurov
 4475 Old Troy Pike
 Dayton, OH 45414

Priority Land Use Board: Northeast

Neighborhood: Kittyhawk

Staff Presentation: Abigail Free

Motion: A motion was made by Ms. Graham and seconded by Ms. Patterson, and carried to determine that there is a preponderance of reliable, probative and substantial evidence to make the specified findings required under RCGO 150.120.10(D)(2) and approve the application for use variance.

Decision:		Approved	
Mr. Bement	yes	Ms. Tingle	yes
Mr. Brand	yes	Ms. Patterson	yes
Ms. Graham	yes	Mr. Ciani	yes
Mr. Martin	yes		

3. BZA CASE PLN2020-00262; 2333 McCall Street

An appeal of the Zoning Administrator's determination that a proposed 396 sq. ft. back-to-back, double-faced illuminated billboard which is 63 feet from ground level, does not comply with a proscribed maximum height of 35 feet, stating that the height of the billboard should be measured from the elevated grade of US 35, above which the proposed billboard is 33.76 feet. The subject property is 2333 McCall Street (Parcel R72 09107 0066) in an I-1 (Light Industrial) Zoning District.

Applicant: John Kirirah
 1842 Shawnee Drive
 Sidney, OH 45365

Owner: PHOENIX JCR DAYTON INDUSTRIAL INVESTORS
 401 E. Kilbourn Avenue
 Milwaukee, WI 53202

Priority Land Use Board: West

Neighborhood: Miami Chapel
Staff Presentation: Tony Kroeger

Motion: A motion was made by Mr. Bement 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 under RCGO 150.120.7 and affirm the determination of the Zoning Administrator, finding that the Zoning Administrator did not err in his determination, and that the appeal is denied.

Decision:		Appeal Denied	
Mr. Bement	yes	Ms. Tingle	yes
Mr. Brand	yes	Ms. Patterson	yes
Ms. Graham	yes	Mr. Ciani	yes
Mr. Martin	yes		

4. BZA CASE PLN2020-00263; 2333 McCall Street

A Variance Application to increase the maximum allowable height from 35 feet to 63 feet (note: maximum height is also the subject of a concurrent appeal) and to reduce the minimum allowable distance from residential zoning districts from 200 feet to 45 for a proposed 396 sq. ft. back-to-back, double-faced illuminated billboard. The subject property is 2333 McCall Street (Parcel R72 09107 0066) in an I-1 (Light Industrial) Zoning District.

Applicant: John Kirirah
 1842 Shawnee Drive
 Sidney, OH 45365

Owner: PHOENIX JCR DAYTON INDUSTRIAL INVESTORS
 401 E. Kilbourn Avenue
 Milwaukee, WI 53202

Priority Land Use Board: West
Neighborhood: Miami Chapel
Staff Presentation: Tony Kroeger

Motion: For the request to allow the proposed billboard to exceed 35 feet in height, a motion was made by Mr. Bement and seconded by Mr. Brand, and carried to determine that there is not a preponderance of reliable, probative and substantial evidence to make the specified findings required under RCGO 150.120.10(D)(1), specifically citing standards A,B, C, D, and J and deny the application as submitted for variance.

Decision:

Variance Denied

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

Motion: For the request to allow the proposed billboard within 200 feet of a residential zoning district, a motion was made by Mr. Brand and seconded by Ms. Patterson, and carried to determine that there is not a preponderance of reliable, probative and substantial evidence to make the specified findings required under RCGO 150.120.10(D)(1), specifically citing standards A,B, C, D, and J and deny the application as submitted for variance.

Decision:

Variance Denied

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

Being no additional business before the Board the meeting was adjourned.



Tony Kroeger, Secretary
Board of Zoning Appeals