



City of Dayton

Board of Zoning Appeals

Minute Record Overview

July 25, 2023
4:30 P.M.

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

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

Members Absent: Ms. Lisa Tingle and Mr. Anthony Ciani

Mr. Martin called the meeting to order at 4:30 P.M. Mr. Green noted that Mr. Ciani had resigned and that a new chair/vice-chair should be elected by members of the board. Mr. Martin was voted to be chair and Ms. Patterson was voted to be vice-chair.

1. PLN2023-00230 – An appeal on Landmark Commission’s decision to approve with conditions a Major modification for the removal of three chimneys on home located at 1617 E Fifth Street.

Applicant: Daniel Lauricella Jr
47 Henry St
Dayton, OH 45402

Priority Land Use Board: Northeast
Decision: Appeal Denied

Planning District: Historic Inner East

2. PLN2023-00223– A Conditional Use request to establish a community center at 1500 W Riverview Ave. The applicant is also requesting a variance for the rear setback off the southern property line.

Applicant: Brown & Bills Architects
55 Hillside Ct
Englewood, OH 45322

Priority Land Use Board: North Central
Decision: Approved with Conditions

Planning District: Southern Dayton View

3. PLN2023-00228 – A request to develop the property identified as parcel R72217303 0060 for use as a self-storage facility within the I-1 Light Industrial Zoning District. A Conditional Use is required for the space designated for outdoor storage to the rear of the site. The applicant is additionally requesting a variance to allow for the property to utilize gravel where a paved surface would otherwise be required.

Applicant: Thyme Storage LLC
1360 SR 131
Milford, OH 45150

Priority Land Use Board: Northeast
Decision: Approved with Conditions

Planning District: Kittyhawk

4. PLN2023-00225 – A Variance request to place an 8 feet tall chain link (nylon coated) fence for the property located at 205 Springfield Street within the I-1 Light Industrial Zoning District. The applicant is requesting the following variances associated with this request: 1) place a chain link fence along a street frontage, 2) place a chain link fence without landscaping or visual softening, and 3) place the proposed fence on the property without a principal use or building on the subject site.

Applicant: Techmetals Inc
345 Springfield St
Dayton, OH 45403

Priority Land Use Board: Northeast

Planning District: Springfield

Decision: Approved with Conditions

The Board of Zoning Appeals meeting was adjourned at 6:47 P.M.

Minutes approved by the Board of Zoning Appeals on August 22, 2023.

Jeff Green, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

Minute Record
July 25, 2023

1. BZA CASE# PLN2023-00182; 00230 1617 E Fifth Street

An appeal on Landmark Commission's decision to approve with conditions a Major modification for the removal of three chimneys on home.

Applicant	Daniel Lauricella Jr 47 Henry St Dayton, OH 45402
Owner	Daniel Lauricella Jr 47 Henry St Dayton, OH 45402
Existing Land Use and Zoning:	Existing Business Storefront; Mature Neighborhood Commercial District (MNC); Historic Overlay District (HD-1)
Surrounding Land Use and Zoning:	North – Single-Family Residential; MR-5 South – Single-Family Residential; MR-5 East – Single-Family Residential; MR-5 West – Single-Family Residential; MR-5
Land Use Committee:	Northeast
Planning District:	Historic Inner East
Planning Staff Contact:	Ellen Sizer

Ms. Sizer presented the case.

The applicant, Daniel Lauricella Jr, appealed a Landmarks Commission Decision on the approval of the removal of the two rear chimneys on the home with the recommendation that reconstruction of the most visible chimney was to mimic the original chimney, prior to the use of stucco.

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

Ms. Holly Hornbeak spoke on the precursory Landmarks Case. Ms. Hornbeak stated that the board came to its decision because, historically, all the houses on that street had a chimney. Therefore, replacing at least one of the three removed chimneys would keep the integrity and style of the home and surrounding area.

Public Testimony

Daniel Lauricella Jr. (applicant), 47 Henry St, Dayton OH, identified themselves as the applicant and presented their appeal against the Landmarks Commission’s decision to require Mr. Lauricella to replace one of the three removed chimneys back to its original material and style. Mr. Lauricella stated that the chimneys have been stucco since owning the building and had to be removed due to their deterioration. Mr. Lauricella also stated that he does not feel that he should be required to replace the chimneys. Mr. Lauricella also argued that the chimneys are not visible from the street. However, upon a second look at the presentation given on the case, there are photos indicating the visibility of the chimney closest to the street.

Board Discussion

The board found that the Landmark Commission’s requirement to replace one of the chimneys instead of all three chimneys was a reasonable request and maintains the standards placed upon Historic Overlay Districts.

Board Decision

A motion was made by Mr. Bement and seconded by Ms. 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. 150.345 (Historic Overlay Districts) and R.C.G.O. 150.345.21 (Appeal of Landmark Commission Decision) and affirm the determination of the Landmark Commission).

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

Approved by the Board of Zoning Appeals on August 22, 2023.

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2. BZA CASE# PLN2023-00223; 1500 W Riverview Ave

A Conditional Use request to establish a community center at 1500 W Riverview Ave. The applicant is also requesting a variance for the rear setback off the southern property line.

Applicant	Brown & Bills Architects 55 Hillside Ct. Englewood, OH 45322
Owner	Njoy!Njoy! 1500 W Riverview Ave Dayton OH 45402
Existing Land Use and Zoning:	Church/ Event Hall /Vacant residential property; MR-5 Mature Residential
Surrounding Land Use and Zoning:	North – Single Family Residential; MR-5 Mature Residential South – Dayton Leadership Academies; MR-5 Mature Residential East – Dayton Leadership Academies; MR-5 Mature Residential West: - Riverview Market & Eatery; MR-5 Mature Residential
Land Use Board:	North Central
Planning District:	Southern Dayton View
Planning Staff Contact:	Elizabeth Dakin

Ms. Dakin presented the case.

The applicant, David Bills from Brown and Bills Architects, requests a Conditional Use to construct a community center at 1500 W Riverview Ave. This community center proposal also included a variance to reduce rear setbacks required.

Ms. Dakin presented an overview of the proposal and the site. Ms. Dakin provided context on the location, zoning, and character of the surrounding area and streets. She noted that the North Central Land Use Board unanimously recommended the proposal be approved.

Ms. Dakin had indicated that staff had reviewed the changes to the site plan and that the variance did not appear to be needed as long as the right-of-way vacations for the alley and for the southern portion of

Faulkner Ave were approved through the vacation process, as proposed. She also indicated that staff had met with the applicant to review changes to the proposal and that the applicant had been working with staff on making sure the site met Zoning Code standards. This was further shown in the presentation where the applicant had updated the building elevations to be more in line with the Zoning Code standards.

Public Testimony

David Bills (applicant) of Brown & Bills Architects, 55 Hillside Ct (Englewood, OH), identified himself as the applicant and stated that he thought that staff's presentation was very complete and that the only thing to add was that there is a big need for this in the community. They already serve members of the community with food and all the other services this proposal has are all greatly needed here. He mentioned that there is a bus stop on the corner of Faulkner that will be maintained and that they are hoping to get a canopy for it. He goes on to state that they have met with the school and they are in support of the community center and they are in support of the alley and Faulkner vacation and the alley is actually wider than Faulkner and it only serves NJoy!NJoy! as the school is separated by a fence.

The board asked him where they were currently serving food and the applicant said that it was occurring at the existing building that will be torn down. He mentioned that the building that is there had to get a special variance or waiver because it encroaches on the right of way. The board asked if they were going to hear from NJoy!NJoy! and the applicant said they were here.

Frieda Oriakhi, 1428 W Grand Ave (Dayton, OH), identified herself as the owner. The board asked her how long they had been providing services in the existing building. She went on to state that it had been eleven (11) years and that they had outgrown the facility tremendously. They had started out feeding the homeless and the hungry – which they still do – and they started doing some public services and they surveyed the people they served for what other services they would like to see. She went on to explain that they purchased the property from Faulkner to N Paul Laurence Dunbar from the City and had them joined together and got it ready to build on.

The board asked if they were a 501(c)(3) non-profit that serves families and children and Ms. Oriakhi confirmed. She went on to explain that before Covid-19 they had already outgrown the space as they would provide a sit-down meal once a week. People would come and they would still have people waiting outside. They would have free health screenings as well. The board asked if the proposed community center had services that were needed in the community they did not offer yet and Ms. Oriakhi confirmed.

The board asked if there was a space they were going to work from temporarily while the new space is built. The applicant, Mr. Bills, stated that they set it up so they could build the new building first while the old building is in use and then tear the old building down once the new building is finished so they may continue on with their services the whole time.

Board Discussion

The board noted that it looked like they had accommodated things that had been brought up by staff and that the submission looked pretty clean and thought through. They asked if they should have the applicant work with staff on the recommendations and staff clarified that these recommendations were made prior to the latest submission which they saw in the presentation and that the recommendations were based on the Zoning Code requirements. They brought up the alley and Faulkner vacations and how the approval should be subject to the approval of those vacations. The applicant asked if they could propose an alternate site plan which shows the site contained without the two vacations and have it approved contingently. He noted that it would be less parking but it all works. He also noted that the school, Dayton Leadership Academy, was going to send a letter in support of the vacations and giving up their portion in favor of the community center having all of it. The board noted that they would want to be pretty re-

assured about the building plans and elevations and that it should at least be reviewed by Plan Board. Staff confirmed that there had been no issues brought up by review agencies for the vacations. The board stated that it could not approve a site plan that they had not seen.

Board Decision

A motion was made by Mr. Brand 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 R.C.G.O. § 150.535 and approve the application as submitted for a Conditional Use with the following conditions:

- 1) The building façade along W Riverview Avenue shall comply with Zoning Code Section 150.800.9 requires further architectural detail, windows, and doors, (such as faux windows) when facing a public street.
- 2) A revised site plan shall show landscaping in compliance with Zoning Code Section 150.800.5.
- 3) A revised site plan shall show a bike rack in compliance with Zoning Code Section 150.700.13.
- 4) The applicant shall submit an exterior lighting plan in compliance with Zoning Code Section 150.420.3(B).
- 5) Board of Zoning Appeals approval for the conditional use and site plan is subject to the approval of the right-of-way vacations of the southern part of Faulkner Avenue and the alley abutting the southern property line, as shown on the submitted site plan.

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

Approved by the Board of Zoning Appeals on August 22, 2023.

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3. BZA CASE# PLN2023-00228; Interpoint Blvd

A request to develop the property identified as parcel R72217303 0060 for use as a self-storage facility within the I-1 Light Industrial Zoning District. A Conditional Use is required for the space designated for outdoor storage to the rear of the site. The applicant is additionally requesting a variance to allow for the property to utilize gravel where a paved surface would otherwise be required.

Applicant	Thyme Storage LLC 1360 SR 131 Milford, OH 45150
Owner	Brandt Interpoint LLC 241 Brookway Rd Centerville OH 45459
Existing Land Use and Zoning:	I-1 Light Industrial; Vacant Land
Surrounding Land Use and Zoning:	North – Industrial business; I-1 Light Industrial South – Industrial business; I-1 Light Industrial East – Vacant Land; SGC Suburban General Commercial West – Industrial business; I-1 Light Industrial
Land Use Committee:	Northeast
Planning District:	Kittyhawk
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, Thyme Storage LLC, requests Conditional Use to utilize a portion of the self-storage facility for outdoor storage. The applicant is also requesting a variance to allow for the property to utilize gravel where a paved surface would otherwise be required.

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 will be located to the rear of the site and that the majority of the site can be used as indoor self-storage as a matter of right. He stated that staff did not believe a variance is warranted, however.

Public Testimony

Mark Shawver (Thyme Self Storage), 1360 SR 131 (Milford OH), identified himself as the applicant and discussed the proposal and further explained why they are requesting a variance.

Board Discussion

The board discussed the proposal and believed the Conditional Use was appropriate, but the variance could not meet the standard.

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. § 150.535 and R.C.G.O. §150.120.10 (D)(1) and approve the application as submitted for a Conditional Use and Variances with the following conditions:

1. Area designated for outside storage and vehicular circulation be paved.
2. Have the 20' landscape buffer placed outside the fence to the east.

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

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4. BZA CASE# PLN2023-00225; 205 Springfield St

A Variance request to place an 8 feet tall chain link (nylon coated) fence for the property located at 205 Springfield Street within the I-1 Light Industrial Zoning District. The applicant is requesting the following variances associated with this request: 1) place a chain link fence along a street frontage, 2) place a chain link fence without landscaping or visual softening, and 3) place the proposed fence on the property without a principal use or building on the subject site.

Applicant	Techmetals Inc 345 Springfield St Dayton, OH 45403
Owner	Techmetals Inc 345 Springfield St Dayton OH 45403
Existing Land Use and Zoning:	I-1 Light Industrial; Vacant Land
Surrounding Land Use and Zoning:	North – Outside Storage; I-2 General Industrial South – Manufacturing; I-1 Light Industrial East – Residential; MR-5 Mature Single Family West – Residential; MR-5 Mature Single Family
Land Use Committee:	Northeast
Planning District:	Springfield
Planning Staff Contact:	Jeff Green

Mr. Green presented the case.

The applicant, Techmetals Inc, requests approval to place a 8' tall nylon coated chain-link fence on vacant land. The applicant is requesting the following variances associated with this request: 1) place a chain link fence along a street frontage, 2) place a chain link fence without landscaping or visual softening, and 3) place the proposed fence on the property without a principal use or building on the subject site.

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 request to secure the site due to trash and other issues with a fence is a reasonable one. However certain conditions should be placed on the site to better screen the property and bring it closer in compliance with the code as it is near residential properties and along a major corridor.

Public Testimony

Reggie Stratton (Techmetals Inc), 345 Springfield St (Dayton OH), identified himself as the applicant and discussed the proposal and further explained why they are requesting the variances.

The board and applicant had a discussion of the proposal in terms of the proximity to the sidewalk, nearby residential, height of the fence, and need to control the site.

Board Discussion

The board discussed the proposal and it was reasonable to place a fence on the site, but reasonable conditions should be placed on fence due to its proximity to the sidewalk and residential properties.

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 as submitted for Variances with the following conditions:

1. Chain-link fence is permitted but can be no taller than 6 feet in height.
2. The fence be setback 5 feet from Garfield Street with a landscape buffering.
3. The fence be setback 3 feet from Springfield Street with no landscaping required.
4. Primary access for the lot be relocated to the alley.
5. The fence shall comply with Section 150.410, Visibility at Intersections.

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

Approved by the Board of Zoning Appeals on August 22, 2023.

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