



# City of Dayton

## Board of Zoning Appeals

### Minute Record Overview

July 26, 2022  
4:30 P.M.

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

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

Members Absent: Ms. Lisa Tingle, Ms. Diane Graham

Mr. Ciani called the meeting to order at 4:30 P.M. A motion was made and seconded to approve the minutes of the June 28<sup>th</sup>, 2022 as submitted

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#### **1. PLN2022-00242 – Conditional Use request to establish a barbershop at 2319 E Third St within the Springfield Planning District.**

Applicant: Alakya Mathankeri-Spears  
2114 Willow Oak Ct  
Dayton, OH 45439

Priority Land Use Board: Northeast

Planning District: Springfield

Decision: Approved as Submitted

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#### **2. PLN2022-00261 – Variances request to allow a 16'x18' accessory carport and a 288 sq. ft. accessory shed to be located within the required corner/side yard setback, and to allow the accessory shed to exceed the 200 sq. ft. maximum allowable area for an accessory shed in an ER-4 Eclectic Single-family Zoning District. The property is located at 300 Shroyer Rd.**

Applicant: Thomas E. Martin, Sr.  
300 Shroyer Rd.  
Dayton, OH 45419

Priority Land Use Board: Southeast

Planning District: Shroyer Park

Decision: Approved as Submitted

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#### **3. PLN2022-00268 – Bulk/Area Variance request to construct a detached 30'x30' prefabricated metal garage as an accessory use to a two-story single-family detached dwelling located at 6117 Riva Ridge Drive. The Variance requested is (1): relief from the maximum allowable size of an accessory structure.**

Applicant: Jeremy and Kathryn Casinger  
6117 Riva Ridge Drive  
Dayton, OH 45414

Priority Land Use Board: Northeast

Planning District: Northridge Estates

Decision: Approved as Submitted

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#### **4. PLN2022-00263 – Bulk/Area Variance request to construct a proposed expansion of a parking lot and install new fencing and guardrails at the properties located at: 400 Springfield, 417 Springfield, 427 Springfield, and 2300 1st Street within the I-2 General Industrial Zoning District. The variances requested include: 1) relief from the required front yard setback, 2) relief from the required landscaping, 3) placing a chain link fence along public street frontage, and 4) placing a guardrail to replace existing concrete blocks and orange barriers.**

Applicant: Techmetals Inc  
c/o Reggie Stratton  
345 Springfield St  
Dayton, OH 45403

Priority Land Use Board: Northeast

Planning District: Springfield

Decision: Approved as Submitted

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The Board of Zoning Appeals meeting was adjourned at 5:54 P.M.

Minutes approved by the Board of Zoning Appeals on August 23, 2022.

Jeff Green, Secretary  
Board of Zoning Appeals



# City of Dayton

## Board of Zoning Appeals

Minute Record  
July 26, 2022

### 1. BZA CASE # 2022-00242 – 2319 E Third St.

A request by Alakya Mathankeri-Spears for Conditional Use approval in order to establish a barbershop at 2319 E Third St (Parcel R72 04504 0053) within the Springfield Planning District. The property is located within the T Transitional Zoning District.

<b>Applicant</b>	Alakya Mathankeri-Spears 2114 Willow Oak Ct Dayton, OH 45439
<b>Owner</b>	Mathankeri Spears Management LLC 3110 Observation Tr Dayton OH 45449
<b>Existing Land Use and Zoning:</b>	Vacant Commercial Building; T-Transitional
<b>Surrounding Land Use and Zoning:</b>	<b>North:</b> Single-Family Residential; MR-5 Mature Residential <b>South:</b> Jessica's Beauty Salon/Residential; T-Transitional <b>East:</b> Buy-Rite Appliances, T-Transitional <b>West:</b> Vacant Land; T-Transitional
<b>Land Use Committee:</b>	Northeast
<b>Planning District:</b>	Springfield
<b>Historic District:</b>	N/A
<b>Planning Staff Contact:</b>	Jeff Green

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Mr. Green presented the case. Showing an aerial of the property, Mr. Green pointed out the mix of residential and commercial uses along E Third Street. Site photos were shown to indicate the mixed-use design of the building and site conditions of the subject property. Mr. Green noted that a liquor permit would be applied for, but that approval process is with the state and this application was primarily to determine if the barbershop, as a use, was appropriate or not.

Mr. Green presented the site plan the applicant proposed which showed a paved parking area with 5 angled parking spaces to the rear of the property. Mr. Green noted that on-street parking along E Third Street is permitted which should (in combination with the proposed on-site parking) fully satisfy the demand the proposed business.

Mr. Green explained the public comments received for the proposal. The Northeast Priority Land Use met on July 19, 2022, and unanimously recommended the proposal be approved as submitted. Staff has received one comment from the public regarding the proposal: Lodia Furnas (President of the Burkhardt/Springfield Neighborhood Association) – Opposed to the request due to the intent to obtain a liquor license.

Mr. Green stated that the Transitional Zoning District encourages a mix of residential and light commercial uses as amenities for the surrounding residential properties and their occupants. In this regard, the proposed use would fit cleanly into the intent of the Transitional Zoning District and would operate harmoniously with that of the neighborhood while also restoring a long vacant building.

Staff recommended approval of the requested Conditional Use.

Mr. Bement asked about the parking configuration and people needing to back out of the alley. Mr. Daugherty stated that the alley where people would need to back out of is low volume which means this shouldn't be an issue particularly as the proposed parking lot is small in nature. Mr. Green confirmed the alley was pretty low volume and further added that the presence of on-street parking means the site has plenty of parking to meet its needs.

### **Public Testimony**

Aaron Mathankeri, 1050 Island Ave (San Diego CA), is the applicant's representative and had a short presentation for the board via PowerPoint. Mr. Mathankeri explained the business model and advised that this would be an upscale grooming lounge for men. He explained the rationale for the liquor permit where the intent was for tasting purposes with a 2-drink limit and advised it was only for clients and not for people to just walk up to.

### **Board Discussion**

The board discussed the application and believed it to be a good application.

### **Board Decision**

A motion was made by Mr. Bement 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.

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

Approved by the Board of Zoning Appeals on July 26, 2022.

Jeff Green, Secretary  
Board of Zoning Appeals

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# City of Dayton

## Board of Zoning Appeals

Minute Record  
July 26, 2022

### 2. BZA CASE # 2022-00261 – 300 Shroyer Rd.

**Variiances** requested to allow a 16'x18' accessory carport and a 288 sq. ft. accessory shed to be located within the required corner/side yard setback, and to allow the accessory shed to exceed the 200 sq. ft. maximum allowable area for an accessory shed in an ER-4 Eclectic Single-family Zoning District.

<b>Applicant</b>	Thomas E. Martin, Sr. 300 Shroyer Rd. Dayton, OH 45419
<b>Owner</b>	Same as Applicant
<b>Existing Land Use and Zoning:</b>	ER-4, single-family dwelling
<b>Surrounding Land Use and Zoning:</b>	<b>North/South/East/West:</b> ER-4, single-family dwellings
<b>Land Use Committee:</b>	Southeast
<b>Planning District:</b>	Shroyer Park
<b>Historic District:</b>	NA
<b>Planning Staff Contact:</b>	Jen Hanauer

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Ms. Hanauer presented the case. She pointed to the orientation of the houses on Winden Avenue for determining the corner side setback of the Applicant's property. Approximately half of the existing residential structure is in the corner side setback. The Applicant began the project after the driver of a motor vehicle crashed into the side of his house. Around that time, the metal, flat-roofed carport that had been connected to the side of the existing attached one-car garage came down. The applicant would like to replace the former carport with a nicer structure that better matches the house. Ms. Hanauer showed photos of the property that emphasize the amount of screening that the existing trees provide for the rear yard. Additional photos show the irregular rhythm of the structures on Winden Avenue and the property on the north side of Winden Avenue that has a detached three-car garage. Ms. Hanauer showed models of the proposed carport and shed and said that the materials and design, including the pitch of the roofs, would match that of the house.

In addressing the standards for a variance, Ms. Hanauer said that while the proposed 288 sq. ft. shed is 44 percent larger than the maximum allowable area of 200 sq. ft., the combined square footage of the proposed shed, proposed carport, and existing garage would be approximately 900 sq. ft, which is less than the maximum allowable 950 sq. ft. for all accessory structures on a single-family lot. In addressing the corner side setback, Ms. Hanauer again emphasized the unique rhythm of the structures on Winden

Avenue that have caused an unusually deep corner side setback for the Applicant's property as well as that of his neighbor across the street.

The Southeast Priority Land Use Committee voted unanimously in favor of recommending approval following discussion of the appearance and visibility of the proposed shed and carport from the right-of-way. A nearby property owner attended the meeting to ask about plans the Applicant may have to add vehicular access from Winden Avenue to the shed. Staff is not aware of any plans for such at this time.

Staff recommended approval of the Variances as submitted.

### **Public Testimony**

The Applicant, Mr. Thomas E. Martin, Sr., said that he also plans to add a patio between the proposed carport and shed.

Mr. Bement asked if more concrete is to be poured for the concrete. Mr. Martin said no. Mr. Bement asked how close the carport will be to the original garage of the house. Mr. Martin explained that the carport would be attached to the existing attached garage, and the shingled roofing will be continuous across the carport and house. Mr. Bement asked for clarification on which way the gable end of the carport will face, and Mr. Martin explained that it will face Winden Avenue. Mr. Martin added that the trees, which are currently about 35-feet high, will mature to about 70-feet high. Mr. Martin also noted that the fifth and sixth post will be under the gabled ends of the carport. Mr. Bement asked if the proposed carport would extend to the north property line. Mr. Daugherty replied that yes, it would, and he added that the area between the property line and the drivable surface of Winden Avenue is essentially unimproved right-of-way.

### **Board Discussion**

Mr. Bement noted the good quality of the proposed structures. Ms. Patterson noted that the total square footage of the accessory structures is less than the maximum allowable, and so she is not bothered by the oversized shed.

### **Board Decision**

A motion was made by Mr. Brand 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. §150.120.10 (D)(1) and approve the application as submitted for Variances.

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

Approved by the Board of Zoning Appeals on July 26, 2022.

Jeff Green, Secretary  
Board of Zoning Appeals

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# City of Dayton

## Board of Zoning Appeals

### Minute Record

July 26, 2022

#### 3. BZA CASE # 2022-00268 – 6117 Riva Ridge Dr.

The applicants, Jeremy and Kathryn Casinger, request a **Bulk/Area Variance** to construct a detached 30'x30' prefabricated metal garage as an accessory use to a two-story single-family detached dwelling located at 6117 Riva Ridge Drive. The Variance requested is (1): relief from the maximum allowable size of an accessory structure.

<b>Applicant</b>	Jeremy and Kathryn Casinger 6117 Riva Ridge Drive Dayton, OH 45414
<b>Owner</b>	Same as Applicant
<b>Existing Land Use and Zoning:</b>	Single Family Dwelling; SR-2
<b>Surrounding Land Use and Zoning:</b>	<b>North:</b> Residential; Butler Township <b>South:</b> Single Family Dwelling; SR-2 <b>East:</b> Vacant Land; SR-2 <b>West:</b> Residential; Butler Township
<b>Land Use Committee:</b>	Northeast
<b>Planning District:</b>	Northridge Estates
<b>Historic District:</b>	NA
<b>Planning Staff Contact:</b>	Keeghan White

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As Mr. White was out of town, Ms. Hanauer presented the case. Showing an aerial of the property, Ms. Hanauer explained that the property had previously been two lots, but the Plan Board approved the consolidation of the two lots at its hearing in June. On the zoning map, Ms. Hanauer pointed out that the Applicants' property is one of the northernmost properties in Dayton, sharing a boundary with properties in Butler Township. The house, which has an existing attached two-car garage, is currently the last house on Riva Ridge Drive before the street terminates in a cul-de-sac. The property east of the Applicants' property is mostly wooded and hilly.

The proposed garage would be located in the northeast corner of the property and accessed via a 12-foot-wide driveway, separate from the existing driveway. In addition to indoor space, the proposed garage would also have a covered outdoor space the Applicants intend to use for entertaining.

The Northeast Priority Land Use Board met on July 19 and voted unanimously to recommend approval of the project as submitted. Staff received a letter of support for the project as proposed from the Applicants' neighbor across the street.

While the proposed garage, at 1,640 sq. ft., is larger than the maximum allowable 950 sq. ft., staff believes that the variance would be appropriate because it would sit on an oversized lot. Staff also noted that large and multiple garages are not uncommon in the area.

Staff recommended approval of the Variances as submitted.

Mr. Martin asked if the property to the east of the Applicants' property is within Dayton and if it is to be developed in the future. Mr. Green replied that yes, it is within Dayton, but it is difficult to know if it will be developed. Mr. Green noted the topographic challenges that would face a developer. Mr. Martin asked if the location and size of the garage would detract from how attractive the property to the east would be to developers. Mr. Martin also asked if metal is the preferred material for the area. Mr. Daugherty replied that the depth of any future lots to the east of the Applicants' property would be very shallow unless additional land is annexed from Butler Township, which Mr. Daugherty said is not necessarily an easy process. Mr. Daugherty said that the horizontal metal siding for the proposed garage would be a similar aesthetic to the lap vinyl siding of the house. Mr. Daugherty also noted that the setback for the proposed garage is significant.

### **Public Testimony**

The Applicant, Mr. Jeremy Casinger, said that he and his wife purchased the home in February and that they are active military recently relocated from Denver. Mr. Casinger stated that he plans to retire and stay in this home. He added that both he and his wife are real estate investors who are in-tune with the neighborhood and interested in making appropriate changes to the property. Mr. Casinger said that they need the larger garage because he drives an F-450 dually crew cab truck that is twice as expensive as the proposed garage and will not fit in the existing attached two-car garage, which is split. Mr. Casinger said that he is a motorcycle and car collector, so he has quite a few toys that he would prefer to keep in a garage rather than a street. He said that he and his wife did look for a property that had an existing accessory structure that would meet their needs but that there were not many properties that had such a structure and the ones that did got scooped up quickly because of the current state of the housing market. He noted that the proposed location for the garage is in the woods. Mr. Casinger noted the nearby homes that have large or multiple garages. He said that he prefers landscaping to fencing, and they plan to plant trees along the new proposed driveway. In regard to the possibility of future development of the property to the east, Mr. Casinger pointed out that a creek runs north-south through the cul-de-sac, and the property to the north is Art Van Atta Park in Butler Township.

### **Board Discussion**

The board had no additional discussion.

### **Board Decision**

A motion was made by Mr. Martin 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. §150.120.10 (D)(1) and approve the application as submitted for Bulk/Area Variance.



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

Approved by the Board of Zoning Appeals on July 26, 2022.

Jeff Green, Secretary  
Board of Zoning Appeals

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# City of Dayton

## Board of Zoning Appeals

### Minute Record

July 26, 2022

#### 4. BZA CASE # 2022-00263 – 2300 First St.

A request by Techmetals c/o Reggie Stratton for Bulk/Area Variance in order to construct a proposed expansion of a parking lot and install new fencing and guardrails at the properties located at: 400 Springfield, 417 Springfield, 427 Springfield, and 2300 1st Street within the I-2 General Industrial Zoning District. The variances requested include: 1) relief from the required front yard setback, 2) relief from the required landscaping, 3) placing a chain link fence along public street frontage, and 4) placing a guardrail to replace existing concrete blocks and orange barriers.

<b>Applicant</b>	Techmetals Inc c/o Reggie Stratton 345 Springfield St Dayton, OH 45403
<b>Owner</b>	Same as Applicant
<b>Existing Land Use and Zoning:</b>	Industrial (Techmetals); I-2 General Industrial
<b>Surrounding Land Use and Zoning:</b>	<b>North:</b> Industrial; I-2 General Industrial <b>South:</b> Single-Family Residential; I-2 General Industrial <b>East:</b> Industrial, I-2 General Industrial <b>West:</b> Industrial; I-1 Light Industrial
<b>Land Use Committee:</b>	Northeast
<b>Planning District:</b>	Springfield
<b>Historic District:</b>	N/A
<b>Planning Staff Contact:</b>	Jeff Green

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Mr. Martin recused himself from this case.

Mr. Green presented the case. Showing an aerial of the property, Mr. Green pointed out the prominence of industrial sites within the area. Site photos were shown which noted the existing site conditions, as well as the properties of nearby properties which have similar site conditions to what is being requested. Mr. Green noted that the portion of Springfield Street that is located within the subject property has been vacated by the city and utilized for parking purposes.

Mr. Green showed the site plan the applicant proposed noting the location of the proposed fencing and guardrails, while also showing where the increased parking area would be placed. Two street trees would be planted on either side of the new parking area. Examples of the guardrail and fencing were provided which showed the proposed request would fit within the fabric of the area.

Mr. Green explained the public comments received for the proposal. The Northeast Priority Land Use met on July 19, 2022, and in a 2-1 vote recommended the proposal be approved with a 1' setback along First Street. Staff has received calls from two property owners who were not opposed to the project.

Mr. Green went through each variance request and noted they seemed to make sense except for the proposal to utilize chain link fencing along First Street. Mr. Green further explained while many nearby property owners have chain link fencing as well, the absence of landscaping meant ornamental fencing would be a good compromise in this area. Overall, it was noted that the proposed request would fit into the neighborhood and support an existing business' expansion.

Staff recommended approval of the request with one condition:

1. Ornamental fencing be used in lieu of chain link fencing

Mr. Bement questioned why a guardrail would be required. Mr. Green advised that he believed to be an aspect of safety but would have the applicant expand up on the question and intent of the guardrail.

### **Public Testimony**

Reggie Stratton, 345 Springfield St (Dayton), is the applicant and had a short presentation for the board via PowerPoint. Mr. Stratton went through the presentation and expanded upon why the variance requests are needed. He noted that guardrail is being used within the Techmetals Campus in addition to adjacent properties. He further explained the dangers of the area and gave examples of when people crashed through some parking areas nearby.

Mr. Bement questioned how the gates are used and when they will be closed vs. open. Mr. Stratton explained that the gates would usually be closed except for when a shift change occurs or for forklifts. Mr. Stratton discussed the operational details of the business in relation to the fence. A discussion was had between the board and applicant regarding the guardrails, fencing, and gates.

Christian Egli, 515 Springfield St (Dayton), nearby business owner in support of the application. Mr. Egli believes Techmetals has been a good neighbor and positive business for the area.

### **Board Discussion**

The board discussed the chain link fencing and guardrail and believed to be reasonable requests.

### **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 a variances.

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

Approved by the Board of Zoning Appeals on July 26, 2022.

Jeff Green, Secretary  
Board of Zoning Appeals

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