



City of Dayton

Board of Zoning Appeals

Minute Record Overview

August 23, 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, Ms. Diane Graham, Ms. Lisa Tingle

Members Absent:

Mr. Ciani called the meeting to order at 4:30 P.M. A motion was made and seconded to approve the minutes of the July 26th, 2022 as submitted

1. PLN2022-00278 – Conditional Use request to establish a Type A Daycare within the Fairview Planning District.

Applicant: Kevin and Nakeesha Foreman
2455 Malvern Avenue
Dayton, OH 45406

Priority Land Use Board: North Central

Planning District: Fairview

Decision: Approved as Submitted

2. PLN2022-00289 – Conditional Use request to establish a secondary school, grades 9-12, within the Oregon Planning District.

Applicant: Holy Trinity Catholic Church c/o Amy Wiedman
272 Bainbridge Street
Dayton, OH 45402

Priority Land Use Board: Southeast

Planning District: Oregon

Decision: Approved as Submitted

3. PLN2022-00296 – Bulk/Area Variance request to 1) reduce the required parking (side) setback from 15-ft to 10-ft when abutting a residential district and 2) increase the maximum number of parking spaces from 5 spaces/ 1,000-sf (14 max) to 17 spaces within the Highview Hills Planning District.

Applicant: GRD Ohio, LLC c/o Sanjaykumar
Patel
166 E Dayton Yellow Springs Rd
PMB#264
Fairborn, OH 45324

Priority Land Use Board: West

Planning District: Highview Hills

Decision: Approved with Conditions

4. PLN2022-00304 – Bulk/Area Variance request to reduce the number of required off-street parking spaces for administrative offices located within the Twin Towers Planning District.

Applicant: Timothy Bement
615 Woodside Dr.
Englewood, OH 45322

Priority Land Use Board: Southeast

Planning District: Twin Towers

Decision: Approved with Conditions

5. PLN2022-00193 – Conditional use application and related variances to permit a proposed residential addiction treatment facility (protective care facility) at 865 S. Patterson Blvd within the Urban Business District (UBD). Protective care facilities are conditionally permitted within the UBD and require review and approval by the Board of Zoning Appeals. The application proposes to reuse an existing facility to serve a maximum of 81 clients with 16 employees. The following variances are requested: 1) reduction in off-street parking requirement, 2) reduction in the minimum lot area and minimum outdoor space required per resident, and 3) reduction in the required distance from an existing emergency shelter.

Applicant: DeCoach Team, LLC c/o Kaleb
Barrows
3103 Dixie Hwy
Hamilton, OH 45015

Priority Land Use Board: Downtown

Planning District: Midtown

Decision: Approved as Submitted

The Board of Zoning Appeals meeting was adjourned at 7:11 P.M.

Minutes approved by the Board of Zoning Appeals on September 27, 2022.

Jeff Green, Secretary
Board of Zoning Appeals



City of Dayton

Board of Zoning Appeals

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1. BZA CASE # 2022-00278 – 2445 Malvern Avenue

The applicant, Nekeesha Foreman, requests Conditional Use approval in order to establish a Type “A” Daycare for 7-12 children at 2445 Malvern Avenue (Parcel R72 11304 0024) within the Hillcrest Planning District. The property is zoned ER-4 Eclectic Single Family.

Applicant	Nekeesha Foreman 2445 Malvern Avenue Dayton, OH 45406
Owner	Kevin & Nekeesha Foreman 2445 Malvern Avenue Dayton, OH 45406
Existing Land Use and Zoning:	Single Family Dwelling; ER-4
Surrounding Land Use and Zoning:	North: Single Family Dwelling; ER-4 South: Single Family Dwelling; ER-4 East: Single Family Dwelling; ER-4 West: Single Family Dwelling; Harrison Township
Land Use Committee:	North Central
Planning District:	Hillcrest
Planning Staff Contact:	Keeghan White

Mr. White presented the case.

The applicant, Nekeesha Foreman, requests Conditional Use approval in order to establish a Type “A” Daycare for 7-12 children at 2445 Malvern Avenue (Parcel R72 11304 0024) within the Hillcrest Planning District. The property is zoned ER-4 Eclectic Single Family.

The subject property is located on Malvern Avenue near the intersection of Sunnyview Avenue and has a total square footage of 1,449 according to the Montgomery County Auditor. The surrounding area is heavily residential with most if not all the properties in the immediate vicinity being single family dwellings. The applicant currently operates a Type “A” Daycare and lives at a rental property located at 1819 Harvard Boulevard but intends to move her primary residence and the Daycare to 2445 Malvern Avenue pending Board approval of the Conditional Use.

The subject property is well-equipped to support a Type “A” Family Daycare. The property includes a private driveway for parents to drop-off and pick-up their children from the daycare and on-street parking

is available both directions along Malvern Avenue. To this end, the property meets parking requirements under the Zoning Code. The property also has a backyard that is enclosed by a six-foot wooden privacy fence to the south and west and a chain-link fence to the north and east.

The applicant has been a daycare provider almost 20 years and has an existing license from the State of Ohio. Since 2017, the applicant has operated a Type “A” Family Daycare at 1819 Harvard Boulevard that has an Ohio Step Up to Quality 5 Star Rating. Conditional Use approval is required for the applicant to move the Daycare from Harvard Boulevard to Malvern Avenue as a Type “A” designation is not transferable.

The proposed hours of operation are Monday, Wednesday, Thursday, and Friday from 6:30 am to 5:30 pm. Two employees work at the Daycare. If the application is approved, this number of employees will satisfy State law which requires two employees working when there are seven (7) or more children. No more than twelve (12) children will be onsite at any given time.

Establishing a Type “A” Family Daycare within an existing single-family neighborhood will not likely alter the neighborhood’s character or decrease property values. On the contrary, it will provide a valuable amenity for the community. Parents dropping off children and children playing outside will minimally increase traffic and noise in the area.

Public Testimony

Kevin Foreman, a representative for the applicant, spoke to the applicant’s credentials as a childcare provider, stating that the applicant has been a daycare provider for almost 20 years. He also stated that there is a need for quality childcare in the area and that the daycare intends to be active in the community.

Board Discussion

The board discussed the case. Mr. Tony Ciani asked the board if the application looked clean and was answered in the affirmative.

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 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 on August 23, 2022.

Jeff Green, Secretary
Board of Zoning Appeals



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2. BZA CASE # 2022-00289 – 256 Bainbridge Street

The applicant, Holy Trinity Church, requests Conditional Use Approval to establish a secondary school, grades 9 -12, at 256 Bainbridge Street within the Oregon Planning District. The property is zoned UBD Urban Business District Mature Single Family.

Applicant	Holy Trinity Catholic Church c/o Amy Wiedeman 272 Bainbridge Street Dayton, Ohio 45402
Owner	Archbishop of Cincinnati, Trustee 100 E. Eighth Street Cincinnati, Ohio 45202
Existing Land Use and Zoning:	School building; UBD-Urban Business District
Surrounding Land Use and Zoning:	North - Commercial structure; UBD-Urban Business District South – Multi-family housing; MMF-Mature Multi-Family East - Commercial structure; UBD-Urban Business District West – Commercial structure; UBD-Urban Business District
Land Use Committee:	Greater Downtown
Planning District:	Oregon District
Planning Staff Contact:	Susan Vincent

Ms. Vincent presented the case.

The applicant, Holy Trinity Catholic Church, proposes to rent out a portion of the second floor of the existing education building to a new charter school for 9-12 grades located at 266 Bainbridge Street within the Urban Business District. The application does not require any variances.

Ms. Vincent provided context on the location, zoning, and character of the surrounding neighborhood and street. She shared images of the plan for the proposed school.

In relation to the conditional use, Ms. Vincent shared the opinion that the reuse of the existing structure is appropriate and will re-occupy a partially vacant structure with a use for which it was originally designed. Ms. Vincent explained that there would be minimal impacts on the surrounding area in relation to operations and shared the opinion that an existing, underutilized education building is perfectly situated to host a new school. Re-occupying the building meets the zoning code's purpose of stabilizing property values and preserving and reusing vacant structures.

Ms. Vincent shared the recommendation that the application be approved as submitted.

Ms. Vincent's recommendation was based on her analysis of the Conditional Use Standards and Standards for Variances Based on Practical Difficulty. She highlighted 150.535(a) in her presentation to the board.

Public Testimony

The applicant, Holy Trinity Church, represented by Amy Wiedman, 272 Bainbridge Street, Dayton, Ohio 45402, shared some background on the application and why the proposal is appropriate.

Rev. Angelo Anthony, 272 Bainbridge Street, Dayton, Ohio 45402, spoke in support of the case and addressed the mission fit between Holy Trinity Church and the proposed school.

Board Discussion

The board discussed the case. Mr. Brand expressed the opinion that the application was appropriate.

Board Decision

A motion was made by Mr. Martin 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 approve the application as submitted.

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 September 27, 2022.

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3. BZA CASE # 2022-00296 – 3620 Germantown

A Variance request to 1) reduce the required parking (side) setback from 15-ft to 10-ft when abutting a residential district and 2) increase the maximum number of parking spaces from 5 spaces/ 1,000-sf (14 max) to 17 spaces at 3620 Germantown Street within a SGC Suburban General Commercial District.

Applicant	GRD Ohio, LLC c/o Sanjaykumar Patel 1166 E Dayton Yellow Springs Rd Fairborn, OH 45324
Owner	Rami Chalhoub 624 Center Rd Hinckley, OH 44233
Existing Land Use and Zoning:	Vacant carryout (to be demolished); SGC Suburban General Commercial
Surrounding Land Use and Zoning:	North: Dollar General store; SGC Suburban General Commercial South: Attached townhomes; EMF Eclectic Multi-family East: 2-family dwelling; EMF Eclectic Multi-family West: BP Gas Station; SGC Suburban General Commercial
Land Use Committee:	West
Planning District:	Highview Hills
Historic District:	N/A
Planning Staff Contact:	Abigail Free

Mr. Green presented the case in lieu of Ms. Free. Showing an aerial of the property, Mr. Green pointed the location of the property in relation to its surroundings. Site photos were shown which noted the existing site conditions.

Mr. Green reiterated that the applicant proposes to demolish the existing carryout use and construct a new 2,700-sf (30x90) retail building and a 17-space parking lot. He further noted that parking lot has been designed to meet typical size standards and allows for a central aisle and perpendicular parking on either side. Seventeen spaces are provided on site, though the zoning code limits parking to 5 spaces per 1,000-sf, which is 14 spaces (13.5 rounded up). A variance is required to allow for the three additional spaces.

Mr. Green went over the landscaping package which was proposed and identified where the proposed fence would be placed if approved. Mr. Green showed rendering of how the proposed structure would look with he proposed landscaping package.

Mr. Green noted that the West Land Use Board recommended approval of the application and has not received any other public feedback in regard to this case. Mr. Green stated that the conditions for a variance can be met, and that staff recommends the approval be submitted with the following conditions:

1. A pedestrian sidewalk connection be added from Germantown Street to the building's primary entrance
2. Install curb to City standards along the perimeter of the parking area and vehicular circulation
3. Freestanding signage must comply with City standards.

The board asked about the buffer between the requested 10-foot parking setback. Mr. Green showed the site photos to show the existing vegetative buffer. Mr. Bement requested further information showing no handicap space being provided. Mr. Green noted the applicant can speak to that.

Public Testimony

Sanjaykumar Patel, 1533 Amberly Ct Xenia OH 45385, is the applicant and stated he is a pharmacist. Identified himself is a co-owner and went over the parking proposal for the site.

Mr. Bement asked about the number of handicap spaces that would be provided. Mr. Patel identified 1 handicap space which would be available for the site.

Board Discussion

The board discussed the request and proposed conditions and believed them to be reasonable.

Board Decision

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 required under R.C.G.O. 150.120.10(D)(1) and approve the application as submitted for variances subject to the following conditions:

1. Add a pedestrian sidewalk connection from Germantown Street to the building's primary entrance.
2. Install curb to City standards along perimeter of the parking area and vehicular circulation.
3. Freestanding signage must comply with City standards.

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

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

Jeff Green, Secretary
Board of Zoning Appeals



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4. BZA CASE # 2022-00304 – 624 Xenia Ave.

Variance to reduce the number of required off-street parking spaces for administrative offices located at 606-624 Xenia Ave. in an ENC Eclectic Neighborhood Commercial zoning district and the adjacent established accessory parking area at 21-25 Dover St. in an MR-5 Mature Single-family Residential zoning district, Parcel ID R72 02512 0002-0010, 0014, 0016-0018, and 0024.

Applicant	Timothy Bement, App Architecture 615 Woodside Dr. Englewood, OH 45322
Owner	Jan Lepore-Jentleson, Westcare Ohio dba East End Community Services 624 Xenia Ave. Dayton, OH 45410
Existing Land Use and Zoning:	ENC, non-profit community center MR-5, parking lot
Surrounding Land Use and Zoning:	North: T, Eastway Corporation, Mission of Mary South: MR-5, single-family residential East: T, East End expansion West: ENC, mixed use, New Hope Church, Miami Valley Child Development Centers
Land Use Committee:	Southeast
Planning District:	Twin Towers
Historic District:	NA
Planning Staff Contact:	Jen Hanauer

Mr. Bement recused himself as he is the Applicant. Mr. Ciani recused himself as he has been associated with East End for about 15 years.

Ms. Hanauer presented the case. She showed the 14 parcels that comprise the East End property, including the two previously owned by Light Fantastic. Ms. Hanauer pointed out that the adjacent property at the southeast corner of Steele and Xenia received a Variance for parking earlier this year to accommodate a planned café and apartments. Phase I shows the removal of the structure adjacent to the east of the former Light Fantastic structures, which are proposed to be fully renovated. The parking plan

for Phase I shows approximately the same number of off-street vehicle parking spaces that are currently available as well as two dedicated locations for bicycle parking. Phase II shows the proposed removal of the front portion of the structure at the southwest corner of Dover and Xenia as well as the addition of several parking spaces in front of the building. Renderings show the proposed renovations to the site.

An existing apron on Xenia indicates where there was once a driveway onto the property, which was filled in approximately 20 years ago by the owner. The site plans show the re-opening of that driveway, but Ms. Hanauer is recommending against that as it would add an additional point of potential conflict between pedestrians, cyclists, and vehicles. RTA's Route 4 stops in this location, and the City's Department of Public Works has plans to add bike lanes on both the north and south sides of Xenia in the next few years. Ms. Hanauer noted that in conversations with the owner and the Applicant's representative, alternatives could be found to adding the driveway to Xenia, one being the addition of a curb cut to the existing south parking lot from Dover.

In her staff analysis, Ms. Hanauer explained that while the Applicant is asking for a 28 percent reduction in what the Zoning Code requires for off-street vehicle parking, the recent text amendments allow for up to 25 percent of required off-street vehicle parking to be substituted with non-required bicycle parking.

East End employs 52 people, about half of whom work at Ruskin Elementary. East End expects to add approximately 8 employees with the proposed expansion into the former Light Fantastic buildings. While fundraising for the project continues, East End's proposed timeline for the project show it going to bid in January 2023, completing Phase I in December 2023, and completing Phase II in December 2024.

Ms. Hanauer noted that East End's proposed plan is part of several projects happening in the area immediately surrounding the property. In addition to Public Works' bike plan and the mixed-use development, there is also the Xenia Avenue Corridor Plan that was prepared by CityWide Development in 2020 as well as several projects involving the nearby New Hope Church and St. Mary Catholic Church.

The Southeast Priority Land Use Committee voted to recommend approval of the proposed project with the following conditions:

- 1.) No curb cut shall be added along Xenia Avenue.
- 2.) Curb and sidewalk shall be added where the vacated portion of Noel Court meets Dover Street.
- 3.) A curb cut shall be added along Dover Street to allow for ingress and egress from the south parking lot.
- 4.) Way-finding signage for parking shall be added along Xenia Avenue.
- 5.) Trees and landscaping shall be added where practical.

In discussing the Standards for a Variance, Ms. Hanauer said that the Variance for parking is necessary for East End to continue their service to the Twin Towers community and that the spirit and intent of the Zoning Code will be done justice in that neighborhood commercial districts are meant to prioritize pedestrian-oriented development.

Staff recommended approval of the Variance as submitted with the following conditions:

- 1.) Approval shall be for Phase I only. The applicant shall submit updated, engineered drawings prior to beginning Phase II.
- 2.) Not less than 44 off-street vehicular parking spaces shall be included in Phase I.
- 3.) No vehicular access shall occur from Xenia Avenue.
- 4.) Curb and sidewalk shall be added where the vacated portion of Noel Court meets Dover Street (parcel R72 02512 0009).

- 5.) A curb cut shall be added along Dover Street to allow for ingress and egress from the south parking lot (comprised of parcels R72 02512 0014, R72 02512 0017, R72 02512 0018).
- 6.) Up to 25 percent of the required off-street vehicular parking may be substituted with non-required unprotected and/or protected bicycle parking spaces per Zoning Code Section 150.700.2(G).

Mr. Martin asked about the parking that would be part of the plan for Phase I and Phase II. Ms. Hanauer said that 44 spaces would be required for Phase I and 8 spaces would be added in Phase II.

Mr. Brand asked if there is a landscaping plan. Mr. Daugherty replied that in conversation with the Applicant, it was said that landscaping would be added in the 10-foot setback from Xenia. Mr. Daugherty added that the south parking lot is an existing, previously approved, restricted parking lot. Mr. Brand said that there should be a landscaping plan approved by staff prior to beginning the project. Ms. Hanauer said that one of her proposed conditions is that the Applicant submit updated, engineered drawings prior to beginning Phase II. Mr. Martin asked if it was appropriate to add a condition for Phase II that affects Phase I because East End may never get there. Mr. Daugherty said that as proposed, Phase I would require the addition of two street trees.

Public Testimony

The Applicant's representative, Kate Ervin of App Architecture, spoke on the case. Ms. Ervin gave a brief history of East End and context for the proposed project. She clarified that an earlier version of the site plan showed 42 off-street vehicular parking spaces, but the most recent version shows 46 spaces. Ms. Ervin also noted that there is room for at least 30 bicycle parking spaces. She said that the owner prefers that a driveway be added from Xenia Avenue and that they will comply with the landscaping requirements.

Jan Lepore-Jentleson, East End's Executive Director, spoke on the case. She said that this project is a \$6.4 million investment to Xenia Avenue. Ms. Lepore-Jentleson said that they have applied for the Variance at this early stage so that they could plan to be in adherence to the City's requirements. She said that while she was initially concerned about not having vehicular access to the property from Xenia, she now agrees that it does not make sense to add a potential point of conflict between pedestrians and vehicles. Ms. Lepore-Jentleson said that the issue with adding a driveway into the south lot off of Dover would be a matter of cost, and she would rather not do that. She noted that they have a plan to coordinate parking with New Hope Church, just to the west across Steele. Mr. Martin noted that they would lose a parking lot on Dover if a curb cut were to be added to the south parking lot, and Ms. Lepore-Jentleson said that adding the curb cut would create a problem with thru-traffic on the site. Mr. Martin asked if there was any requirement from Police or Fire to have two points of access on a property, and Mr. Daugherty said that there is not. Mr. Kroeger added that the condition regarding the curb cut on Dover was an option for an additional ingress/egress in light of the removal of the access from Xenia, but that staff is not adamant about the condition. Ms. Lepore-Jentleson clarified that the section of Noel Court shown on the maps has been vacated and is very wide.

Leslie Sheward, President of the Twin Towers Neighborhood Association, spoke in support of the project, saying that East End has been an anchor in the community. Ms. Sheward pointed out that the Xenia Avenue Corridor Plan has a landscaping component that addresses the landscaping around East End. She added that parking does not concern the neighborhood because there is so much off-street vehicle parking available between all of the organizations that are working together on this section of Xenia.

Board Discussion

Mr. Brand said that in general, this is an approvable project, but he would like to add a landscaping plan as a condition. Clarification was asked for regarding the curb and sidewalk where Noel meets Dover. Ms. Hanauer said that the street was vacated in the 1970s and that curb and sidewalk should have been added at that time. As there is currently a fence but no curb or sidewalk separating the outdoor play area from Dover, one of Ms. Hanauer’s recommended conditions is for the curb and sidewalk to be finished at this location. Mr. Brand asked how vehicles are to access the parking lots, and Ms. Hanauer showed on the parking plan how vehicles are to enter from Steele into the vacated portion of Noel, as they do currently. Ms. Sheward offered insight on why the curb and sidewalk were not finished at Noel and Dover when Noel was vacated but was told by Mr. Green and Mr. Martin that the public comment portion of the hearing had ended.

Board Decision

A motion was made by Mr. Brand and seconded by Ms. Tingle 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 Variance with the following conditions:

- 1.) Approval shall be for Phase I only. The applicant shall submit updated, engineered drawings prior to beginning Phase II.
- 2.) Not less than 44 off-street vehicular parking spaces shall be included in Phase I.
- 3.) No vehicular access shall occur from Xenia Avenue.
- 4.) Curb and sidewalk shall be added where the vacated portion of Noel Court meets Dover Street.
- 5.) Up to 25 percent of the required off-street vehicular parking may be substituted with non-required unprotected and/or protected bicycle parking spaces per Zoning Code Section 150.700.2(G).
- 6.) A landscaping plan for Phase I shall be submitted to staff for administrative approval.

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

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

August 23, 2022

5. BZA CASE # 2022-00193 – 865 S. Patterson Blvd

The applicant, DeCoach Team, LLC, requests Conditional Use approval to permit a proposed residential addiction treatment facility (protective care facility) and related variances including: 1) reduction in off-street parking requirement, 2) reduction in the minimum lot area and minimum outdoor space, and 3) reduction in the required distance from an existing emergency shelter at 865 S. Patterson Blvd within the Midtown Planning District.

Applicant

DeCoach Team, LLC
c/o Kaleb Barrows
3103 Dixie Hwy
Hamilton, Ohio 45015

Owner

Salvation Army
913 S. Patterson Blvd
Dayton, Ohio 45402

Existing Land Use and Zoning:

Vacant residential treatment facility; UBD-Urban Business District

Surrounding Land Use and Zoning:

North – Vacant structures; UBD-Urban Business District

South – Logos at Work, Commercial structure; UBD-Urban Business District

East – BHA and vacant commercial structures; UBD-Urban Business District

West – Vacant land; UBD-Urban Business District

Land Use Board:

Greater Downtown

Planning District:

Midtown

Planning Staff Contact:

Susan Vincent

Ms. Vincent presented the case.

The applicant, DeCoach Team, LLC proposes to renovate and reoccupy the vacant residential treatment facility and warehouse structures located at 865 and 913 S. Patterson Blvd and open a

protective care facility with a maximum capacity to serve 81 clients within the Urban Business District (UBD). The application does not require any variances.

Ms. Vincent provided context on the location, zoning, and character of the surrounding area and street. She shared information on the operations plan of DeCoach and images of the site plans for the proposed project. She listed out the letters received both in support and in opposition to the case.

Ms. Vincent detailed the requirements for conditional use approval including off-street parking, minimum lot area and outdoor space, and the 1,000-foot distance from an existing emergency shelter requirement. She explained that the proposal functionally meets the zoning requirements for open space and lot area when the southern property located at 913 S. Patterson Blvd is taken into consideration.

She also explained that while the zoning code requires 43 parking spaces, the operations model of DeCoach does not permit clients to have personal vehicles, as such, the parking needs are much reduced from the code and the existing off-street parking located at 913 S. Patterson Blvd is sufficient.

Finally, she explained that Midtown is uniquely populated by social service agencies and adding another facility would add to that concentration. However, she recognized that the challenges of redeveloping a structure built specifically for a residential treatment facility use as anything other than that are substantial. In addition, St. Vincent De Paul – the emergency shelter located within 1,000 feet of the proposal – is in support of the project.

Ms. Vincent shared the recommendation that the application be approved as submitted.

Ms. Vincent's recommendation was based on her analysis of the Conditional Use Standards and Standards for Variances Based on Practical Difficulty. She highlighted 150.535(d) and 150.120.10(D)(1)(a), (b), and (h) in her presentation to the board.

Public Testimony

The applicant, DeCoach Team LLC, represented by Chris Ingram, Vorys, Sater, Seymore and Pease, 52 E. Gay Street, Columbus, Ohio 43215, shared a presentation on the application and why the proposal meets the required zoning requirements.

Kaleb Barrow, 3103 Dixie Hwy, Hamilton, Ohio 45415, spoke as the Chief Executive for DeCoach Team and explained more about their operations, the proposal, and why this specific location was chosen.

Liz Alexander, Vorys, Sater, Seymore and Pease, 52 E. Gay Street, Columbus, Ohio 43215, introduced Dr. Rick Hum, 3103 Dixie Hwy, Hamilton, Ohio 45415, who spoke about the medication proposed to be used on site.

Liz Alexander called Debbie Wilcox, 5001 Olentangy River Road, Columbus, Ohio 43214, a realtor who shared information about the impact to area property values if the proposal were to be improved.

Mr. Kyle Shaw, Whole Truth Ministries, 343 Troy Street, Dayton, 45404, spoke in support of the case. He shared his professional experiences and his opinion that the services are very needed due to his experiences recruiting people to enroll in programs.

Mr. Den Zwiesler, Fairborn Probation Dept, 1148 Kauffman Ave, Fairborn, Ohio 45324, spoke in support of the case. He expressed his opinion that DeCoach is very professional and has had positive experiences with them.

Ms. Dawn Schartz, Montgomery County Probation Services, 41 N. Perry Street, Dayton, Ohio, spoke in support of the case. As a treatment coordinator she shared the opinion that there is a need for more placement facilities to help reduce recidivism.

Mr. Michael Vanderburgh, St. Vincent de Paul Society, 124 W. Apple Street, Dayton, Ohio, spoke in support of the case. He shared his desire for the BZA to approve the case and shared his opinion that the proximity to DeCoach will be a value to the community they serve.

Ms. Amy Dunkin, Families of Addicts, 425 N. Findlay Street, Dayton, Ohio, spoke in support of the case. As a prior member of a quick response team that responds to overdoses, she shared her opinion that the city needs more facilities and options to serve the city of Dayton.

Ms. Brooke Fornes, 2080 Byers Road, Miamisburg, Ohio, spoke in support of the case. The commercial real estate agent for the property, she shared her experience that only rehab treatment facilities have expressed in the property over the course of 2 years.

Mr. Randall Carmack, 6445 Heffner Rd, Tipp City, Ohio, 45371, spoke in support of the case. As an individual in long-term recovery, he shared his efforts to link individuals to services and his experiences with gaps in the available services.

Mr. Chauncy Huff, 2743 Listy Place, Cincinnati, Ohio, spoke in support of the case. He shared his experience as a member of AA and the need for multiple locations that will accept addicts and which will offer employment opportunities for those in recovery and with felonies.

Mr. Aaron Laine, Tragedy to Triumph, 2832 Werk Road, Cincinnati, OH 45211, spoke in support of the case. He expressed his opinion that there is a need for facilities that give individual's a chance to believe in themselves.

Mr. Daniel Ritchie, Cedar Oaks Wellness Center, 6428 (not shared), Cincinnati, Ohio, spoke in support of the case. He shared the importance of having access to multiple locations and choices for treatment in relation to his successful journey toward recovery.

Mr. Mark Manovich, Historic South Park, 529 Hickory Street, Dayton, Ohio 45410, spoke in opposition to the case. He shared his belief that the Midtown area is over-saturated with service agencies and the need to uphold the 1,000-foot distance from another emergency shelter restriction.

Ms. Janet Michaelis, Hope Enclave Neighborhood Group, 61 Vine Street, Dayton, Ohio 45409, spoke in opposition to the case. She shared her experiences living near other shelters in the Midtown geography and the number of calls for police service that occur due to that proximity.

The applicant, represented by Chris Ingram, entered their briefs into evidence and shared a final closing statement regarding a fair housing.

Board Discussion

Mr. Ciani and Mr. Martin expressed the fact that the BZA must make decisions within the confines of the City’s zoning laws and not to determine if existing regulations are legal.

Mr. Martin discussed the similarity and difference between the case before the board and the prior case heard at 725 S. Ludlow Street – both related to the 1,000-foot proximity restriction. Mr. Martin also recognized the fact that the subject property was built for a protective care facility and was under operations not so long ago and shared his support of reusing the property for which it was built.

Mr. Brand agreed with Mr. Martin and underscored that St. Vincent de Paul is in support of this use and the synergy between the emergency shelter and the protective care facility.

Mr. Bement shared his professional opinion and experience with the increase in construction costs and the value for DeCoach to be able to reuse a facility built for their needs with minimal renovations.

Ms. Tingle agreed with all previous comments, reiterating the fact that this facility was in use recently for the same activity as proposed.

Board Decision

A motion was made by Mr. Bement and seconded by Ms. Tingle 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.

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

Approved by the Board of Zoning Appeals on September 27, 2022.

Jeff Green, Secretary
Board of Zoning Appeals
