

HARRISON TOWNSHIP
Board of Zoning Appeals
Monday, May 14, 2018
7:00 p.m.

The meeting of the Harrison Township Board of Zoning Appeals was called to order at 7:00 p.m. on Monday, May 14, 2018.

Those present:

Charles Waldron
Patricia Larrick
Don Marlow
Steven Russell

Justin Riley Olszewski,
Zoning Administrator, Development Dept.

Not present:

Jerry Barnes

APPROVAL OF THE MINUTES:

Ms. Patricia Larrick made a motion to approve the minutes dated April 10, 2018. Mr. Steven Russell seconded the motion. Motion carried and passed 4-0.

OLD BUSINESS:

Case No. BZA-03-18

Case# BZA-03-18 was initiated by Michael D. Cospy, 1100 Taywood Rd., Apt. 10, Englewood, OH 45322. The applicant is requesting a Conditional Use to Article 32, Section 3204(N) to allow for a place of worship to be located within the "CS-1" Commercial Service District. The property is located at 5903 N. Dixie Dr., Dayton, OH, 45414, Harrison Township, Montgomery County, Ohio.

Staff stated that the property is located at 5903 N. Dixie Dr. The property is located on the west side of N. Dixie Dr. at the intersection with Republic Dr. The surrounding zoning is "CS-I" Commercial Service District. The surrounding land use is commercial. Access to the property is off of Republic Dr. and N. Dixie Dr.

The parcel (E21-01004-0047) is shared with 5901 N. Dixie Dr., currently operating as a dry-cleaning business use. Article 4, Section 406.05 lists the general "Standards for Conditional Use." Article 32, Section 3204 (A-H) lists required conditions in the "CS-I" Commercial Service District. Applicant is proposing to operate a place of worship named "Greater Anointing Ministries, Church of God in Christ".

DISCUSSION:

There are two sections of the Zoning Resolution we must consider when entertaining a conditional use request in the "CS-I" District. Section 3204(A-H) "Required Conditions" which enumerates the required conditions for the specific use in the "CS-I" Commercial Service District and Section 406, "Standards for Conditional Use" which enumerates the general standards to consider for any conditional use application.

The following is the list of required conditions in the "CS-I" District that must be met in order to obtain a conditional use permit:

REQUIRED CONDITIONS:

No zoning certificate shall be issued for a "C/S-1" use until the applicant shall have certified to the zoning inspector that:

- A. Outdoor Storage -Except as hereinafter specified all outdoor storage shall be prohibited.
Condition does not appear to be applicable
- B. Business Activity Enclosed – All business activity shall be conducted wholly within a completely enclosed building.
Applicant must address this to the board
- C. Exterior Building Materials – The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of fifty percent (50%) decorative brick or block, stone, wood/vinyl siding or similar building materials. No more fifty percent (50%) of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.
Site is pre-existing
- D. Storage of flammable materials – The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations.
Condition does not appear to be applicable
- E. Storm Water Control – All uses within the "C/S-1" District shall

be provided with adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer's Office.

Site is pre-existing

- F. Lighting – Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district or upon any public right-of way.

Condition does not appear to be applicable

- G. Residential Uses Prohibited – No building or structure shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

Applicant must address this to the board

- H. Noise – No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

Applicant must address this to the board

Section 406.05: Standards for Conditional Use

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusion that:

- A. The proposed Conditional Use will comply will all applicable regulations of the Resolution, including lot size requirements, development standards and use limitations.

Site is pre-existing and appears to meet these conditions

- B. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Site is pre-existing and appears to meet these conditions

- C. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.

Site is pre-existing and appears to meet these conditions

- D. All necessary permits and license for the use and operation of the Conditional Use have been obtained, or evidence has

been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.

Does not appear to be applicable

- E. All exterior light for artificial open-air illumination are so shaded as to avoid casting direct light upon any property located in a Residential District.

Does not appear to be applicable

- F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

The Board must determine from the facts submitted with this case, by township staff and the applicant, in addition to any and all testimony given before the board if the proposed use meets this standard

- G. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.

The Board must determine from the facts submitted with this case, by township staff and the applicant, in addition to any and all testimony given before the board if the proposed use meets this standard

- H. The Conditional Use desired will not adversely affect the public health, safety and morals.

The Board must determine from the facts submitted with this case, by township staff and the applicant, in addition to any and all testimony given before the board if the proposed use meets this standard

Recommendation:

Staff recommends that the Board take all information and testimony into consideration.

Mr. Charles Waldron stated that Case No. BZA-03-18 is a continuation from the previous month's meeting, and that all conversation prior to, is included in tonight's meeting (including the normal opening statements). He then relinquished the chair to Ms. Patricia Larrick to conduct the meeting, due to his absence from the prior month's meeting. Ms. Larrick accepted and asked staff for any additional information that had been provided.

Staff stated that additional information provided by Bison Investment Group, property owner, outlines the number of required parking spaces for a place of worship in the "C/S-1" District and also includes the relevant section of code of the Harrison Township Zoning Resolution. Staff also stated that the possibility of needing use of additional parking at 5901 N. Dixie Dr. (Darlene's Dry Cleaning) is also addressed in the information provided by Bison Investment Group.

The applicant, Michael Cospy, 1100 Taywood Rd., Apt. 10, was duly sworn and states that this church will be an entity in and of itself, connected to the national Church Of God In Christ, which is based out of Memphis, Tennessee and that the church will be more of an Outreach Ministry. He then stated that the expected 25 member congregation currently consists of five families and there is expected to be no more than six vehicles until membership grows.

After some discussion among the Board members, Mr. Donald Marlow made a motion to approve Case No. BZA-03-18. Mr. Steven Russell seconded. Motion carried and passed 4-0.

ADJOURNMENT:

There being no further business to discuss, Mr. Charles Waldron made a motion to adjourn the meeting. Mr. Steven Russell seconded the motion. Motion carried and passed 4-0.

Respectfully submitted,

Harrison Township
Board of Zoning Appeals

Regina Moore
Administrative Assistant

Charles Waldron, President

Patricia Larrick, Vice President

Steven Russell

Jerry Barnes

Don Marlow

Attested as to Signatures,

Regina Moore
Administrative Assistant