

**HARRISON TOWNSHIP**  
**Board of Zoning Appeals**  
**Monday, May 8, 2017**  
**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 8, 2017.

**Those present:**

Charles Waldron  
Patricia Larrick  
Donald Marlow  
Steven Russell

Justin Riley Olszewski,  
Zoning Administrator, Development Dept.

**Those not present:**

Jerry Barnes

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case No. BZA-05-17**

Case# BZA-05-17 was initiated by Ankit Singh, AA Plus Realty LLC, 7977 Timberbreak Dr., Cincinnati, OH 45249, requesting a Conditional Use permit to establish an automobile sales establishment under Article 33, Section 3303(F), in the CS- 2 Commercial–Service District. The property is located at 4887 N. Dixie Drive, Harrison Township, Montgomery County, Ohio

Staff stated that the property is located at 4887 N. Dixie Drive. The property is located on the west side of North Dixie Drive. The property is currently zoned “CS-2” Commercial Service. The surrounding zoning is “CS-2” Commercial Service, to the north, south, east and west. The surrounding land use is commercial to the north with a beauty salon and L&H Auto Corral prior to the N. Dixie/Fredrick Pike intersection. There is the Dayton Bible Chapel to the direct south and Higherground United Methodist Church located to the east of the property, across N. Dixie Drive. There is an open/natural area located to the rear of the property or to the west. The property is currently a vacant, undeveloped piece of property. Access to the property is off of N. Dixie Drive. The Board has previously approved an identical use at this location in BZA Case BZA-08-10.

Article 33, Section 3303(F) lists “Automobile Sales” as a Conditional Use in the “CS–2” Zoning District. Article 33, Section 3304 (K) lists seven requirements that must be met in order to obtain

a conditional use permit for automobile sales in the “CS-2” Commercial-Service District. Article 4, Section 406.05 lists the general “Standards for Conditional Use.”

Staff then stated that there are two sections of the Zoning Resolution we must consider when entertaining a conditional use request for auto sales in the “CS-2” Commercial/Service District; Section 3304 (K) “CS-2 Commercial Service District” and Section 406, “Standards for Conditional Use.” Section 3304 spells out the specific conditions for the specific use in the “CS-2” District while Section 406.05 spells out the general standards to consider for any conditional use application.

Staff stated that the following is the list of conditions specific to automobile sales in the “CS-2” District that must be met in order to obtain a conditional use permit:

**Section 3304 (K). Automobile Sales, Lease or Rental:**

In addition to other applicable sections of this Zoning Resolution, Automobile Sales, Lease and/or Rental businesses shall comply with the following requirements:

1. All off-street parking and/or outdoor sales display area shall be separated from the public right-of-way by a landscaped area at least ten (10) feet in width. On streets having an existing curb on the street side, a six (6) inch high curb shall be required only on the inside of the parking/sales area. On streets no having an existing curb on the street side, a six (6) inch high curb shall be required to completely enclose the ten (10) foot separation strip. No vehicles shall be displayed or parked within the ten (10) foot landscaped area.
2. Within the ten (10) foot landscaped area, all shrubs at the time of planting shall have a minimum height of one (1) foot and a maximum height of three (3) feet and shall be planted so as to completely screen the undersides of vehicles. Grass or other ground cover shall be planted on all portions of the landscaped area not occupied by shrubs. All plantings, including ground cover, shall be kept trimmed and maintained with necessary care to ensure their survival. Any plant material that dies or otherwise becomes unhealthy shall be immediately replaced with like planting material. To ensure traffic visibility, no shrubs shall be permitted to exceed a height of three (3) feet.

**Applicant has submitted a site plan which shows a landscaped area consistent with the landscape areas along the N. Dixie Drive area. Applicant will need to include appropriate planting material along the described landscaped area. Planting material is not included in**

**site plan and will need to be consistent with what is required in the Zoning Resolution as determined by township staff.**

3. All outdoor display areas for vehicles shall be marked with a yellow or white all weather paint. The minimum size for each outdoor display area stall shall be a minimum of eight and one-half (8.5) feet in width and eighteen (18) feet in depth.

**Applicant has submitted a site plan showing designated parking. Applicant will need to ensure all display areas have the required display dimensions.**

4. The stalls that comprise the customer off-street parking area shall be marked with a yellow or white all weather minimum of nine (9) feet in width, and a minimum of eighteen (18) feet in depth. All off-street customer parking areas shall be designated "Customer Parking Only." Designation shall be painted across the customer parking area with a yellow or white all weather paint, using a minimum four (4) inch, Helvetica styled letter.

**Applicant has indicated the areas designated as customer off-street parking on site plan. The applicant needs to completely pave the designated parking areas and ensure the customer parking will comply with the parking stall dimensions listed above.**

5. One elevated display pad shall be permitted per one-hundred (100) feet of lot frontage. The elevated display pad shall be a solid, permanent structure and shall not exceed a height of two (2) feet above finished grade.

**Not required and not submitted with plans.**

6. For security, square, tubular steel or wood posts with cable or chain shall be used to prevent unauthorized access to the property. The posts shall be painted and maintained in good condition. No wire type fencing shall be permitted within the front yard setback.

**Applicant has not indicated this on the submitted plan and must ensure the appropriate posts are installed in order to appropriately restrict access to the property during non-working hours.**

7. All lighting shall be arranged and designated to deflect light away from adjoining properties and public right-of-ways. The use of an energized lamp bulb, where the surface of the bulb is directly visible to persons not located on the premises, is prohibited.

**No lights are indicated on the site plan but will need to conform to this requirement.**

**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 with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.

**The submitted site plan meets all the listed development standards in regards to lot size, building size and set back requirements listed in the Harrison Township Zoning Resolution.**

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

**The applicant will need to ensure all drainage plans are submitted and approved by the Montgomery County Engineer's Office.**

- 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.

**There is one curb cut off N. Dixie Drive which adequately serves the site.**

- 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.

**The applicant will need to address this requirement to the Board. The Board will need to ensure the operator submits proof of required licenses to township staff in order to have in this case file.**

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

**No such lighting exists currently, any new lighting must conform to this standard.**

- 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.**

Staff recommends the Board take into consideration all of the factors presented in this material and presentation by staff and applicant.

The applicant, Ankit Singh, 4887 N. Dixie Drive, Dayton, Ohio was duly sworn and stated that he would like to place a car lot at 4887 N. Dixie Drive. Mr. Singh stated that the car lot would be resale of automobiles, minor repairs to automobile inventory but will not be a service facility. Mr. Singh then stated that his automobile inventory will consist of cars purchased from an auto auction. Mr. Singh also stated that the business will be a mix of cash sales & buy here pay here. Mr. Singh then stated that the hours of operation will be 6 days a week, 10am – 6pm with 3-5 employees. Mr. Singh stated that he will have two (2) bay doors located on the south side of the building. Mr. Singh also stated there will be no outdoor storage of tires or car parts.

After some discussion among Board members, Mr. Don Marlow made a motion to approve Case No. BZA-05-17 as submitted. Mr. Steven Russell seconded the motion. Motion carried and passed 4-0.

**ADJOURNMENT:**

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

Respectfully submitted,

Harrison Township  
Board of Zoning Appeals

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Shonda Hill,  
Executive Secretary

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Charles Waldron, President

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Patricia Larrick, Vice President

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Steven Russell

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Jerry Barnes

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Donald Marlow

Attested as to Signatures,

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Justin Riley Olszewski,  
Zoning Manager