

HARRISON TOWNSHIP
Board of Zoning Appeals
Monday, January 10, 2022
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, January 10, 2022.

Those present:

Donald Marlow

Emily Crow, Development Dept. Director

Steven Russell

Jerry Barnes

Tyler Hauck, Township Planner

Tony Curington, Sr.

(attending via Microsoft Teams)

Tina Fiore

Not present:

NOMINATION AND ELECTION OF OFFICERS:

Mr. Russell made a motion to nominate Don Marlow as President. Mr. Curington seconded. Motion carried. Mr. Barnes made a motion to nominate Mr. Curington as Vice President. Mr. Marlow seconded. Motion carried.

APPROVAL OF THE MINUTES:

Ms. Fiore made a motion to approve the minutes of the September 13, 2021 BZA meeting. Motion to approve was seconded and carried.

NEW BUSINESS

Case No. BZA-01-22

Case #BZA-01-22 was initiated by Mr. Larry Williams, 4818 Nelapark Ave., Huber Heights, OH 45424. The applicant is requesting a Variance to Article 11, Section 1104.02 to allow one side yard setback of 5.7 ft. with a total side yard setback of 13.7 ft. on a parcel located in the R-4, Single Family District. The property is located on Michigan Ave., Dayton, OH 45416, Parcel ID E20-17102A0003, Harrison Township, Montgomery County.

Staff stated that the applicant is planning to construct a 1260 square foot home on the subject property which is currently vacant. Staff reiterated the applicant's request adding that the Zoning Resolution requires a minimum of an 8 ft. side setback with a total combined side setback of 20 ft. The subject parcel and surrounding parcels are zoned R-4, Single Family Residential. The

address of the parcel to the left of the subject parcel is 3657 Michigan Ave. and 3653 Michigan Ave. is to the right. The subject property does not have an address. Staff also says that the 5.7 ft. side setback will be on the east side of the property, and along the west property line will be an 8ft. side setback. As a comparison, Tyler states that the property directly west of the subject property has 2 ft. minimum and 13 ft. total, and the property to the right has a 1 ft. minimum with 21 ft. total side setback, indicating that none of these properties meet the required setback requirements, which is typical for the R-4 district. Staff states that the proposed house will sit approximately 6 ft. from the house to the right and will be 8ft. to the property line to the left. Staff shows photos of Michigan Ave. and other homes along Michigan Ave.

Board of Zoning Appeals Options:

In reviewing a request for development standards variance, the Board may:

1. Approve the petition as proposed
2. Approve the petition with conditions
3. Continue the petition to a future meeting
4. Deny the petition (with or without prejudice)

****at twelve (12) minutes into the meeting, Mr. Curington recused himself from the hearing****

The applicant, Mr. Larry Williams of 4818 Nelapark Dr., Huber Heights was duly sworn and said he purchased the lot, which is buildable, and although it does not fall within the required setback regulations, the house will be situated in a fashion that is no different from any of the other houses in the area. Mr. Williams also states that building a house there would improve the neighborhood and raise the property values in the neighborhood. He asks the Board to consider that he also owns the house to the right of the proposed site, so there would be no complaints regarding the encroachment space on that side and that the 8 ft. on the other side is a greater distance than what some of the other houses in that area have. When asked about the proposed construction, Mr. Williams states it will be a ranch style, open concept, 3 bedroom, 2 bath frame house with a crawl space. The applicant then says that if the variance requests were to be denied, he would put a smaller house or get the house cut down some so that it would fit within the setback requirements. When asked if he would be residing in the property, Mr. Williams said he would live there for about two years.

There being no other to speak on behalf of, or in opposition to, Mr. Marlow closed the public speaking portion of the meeting.

After some discussion among the Board, Mr. Marlow read the Variance checklist, and Mr. Jerry Barnes made a motion to approve Case #BZA-01-22. Mr. Russell seconded. Motion carried and passed 4-0.

Ms. Crow then provided the Board with updates from the Development Department which include retention of new legal counsel-Frost, Brown, Todd, and doing some training with them, and Tyler completing his 6-month probationary period and now officially being staff. Tyler also

mentions to the Board that the Zoning Commission is in the process of going through the first set of Zoning Resolution text amendment changes.

There being no further business to discuss, Mr. Steven Russell made a motion to adjourn the meeting. The motion to adjourn was seconded and carried.

Respectfully submitted,

Harrison Township
Board of Zoning Appeals

Regina Moore
Administrative Assistant

Donald Marlow, President

Tony Curington, Sr. , Vice President

Tina Fiore

Jerry Barnes

Steven Russell

Attested as to Signatures,

Regina Moore
Administrative Assistant