The meeting of the Harrison Township Board of Zoning Appeals was called to order at 7:00 p.m. on Monday, May 11, 2020.

**Those present:**
- Charles Waldron
- Patricia Larrick
- Don Marlow
- Steven Russell
- Jerry Barnes
- Justin Riley Olszewski, Zoning Administrator, Development Dept.

**APPROVAL OF THE MINUTES:**
Ms. Patty Larrick made a motion to approve the minutes from the Tuesday, January 28, 2020 BZA meeting. Mr. Don Marlow seconded. Motion carried and passed 5-0.

**NEW BUSINESS**
**Case No. BZA-02-20**
Case #BZA-02-20 was initiated by Talk N Win (Donna Hall), 6229 N. Dixie Dr., Dayton, OH 45414. The applicant is requesting a Conditional Use permit to establish an arcade game room under Article 32, Section 3203(A) in the “C/S-1” Commercial/Service District. The property is located at 6229 N. Dixie Dr., Harrison Township, Montgomery County, Ohio.

Staff stated that the property is located on the east side of N. Dixie Dr. at Nomad Ave. The property is currently zoned “C/S-1” Commercial Service. The surrounding zoning is “C/S-1” Commercial Service to the north, south, east and west. The surrounding land use is commercial. The property is currently vacant. Access to the property is off of N. Dixie Dr. Article 32, Section 3203(A) lists “Arcade Game Room” as a Conditional Use in the “C/S-1” Commercial Service District. Article 32. Section 3204 lists requirements that must be met in order to obtain a conditional use permit in the “C/S-1” Commercial Service District. Article 4, Section 406.05 lists the general “Standards for Conditional Use”. The applicant previously operated this business in the ”C/S-2” Commercial Service District at 3870 N. Dixie Dr. prior to the building being destroyed in a tornado.
Discussion
In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the “C/S-1” District:

A. Outdoor Storage – Except as hereinafter specified, all outdoor storage shall be prohibited.
   **Does not appear to be applicable**

B. Business Activity Enclosed – All business activity shall be conducted wholly within a completely enclosed building.
   **Does not appear to be applicable**

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 than 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 and building are 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 with such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations governing such storage.
   **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.
   **Does not appear to be applicable**

G. Residential Uses Prohibited – No building or structure shall be used for residential proposes, except that a watchmen or custodian may reside on the premises.
   **Does not appear to be applicable**

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 requirement to the board**
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 the Resolution, including lot size requirements, development standards and use limitations
   
   Site is pre-existing and meets this requirement

B. Adequate utility, drainage and other such necessary facilities have been or will be provided
   
   Site is pre-existing and meets this requirement

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
   
   Applicant must address this to the board

D. All necessary permits and licenses 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
   
   Internet café’s are regulated by the Ohio Casino Control Commission. Proof of licensure or application for licensure must be provided by applicant prior to approval of the Zoning Certificate

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.
   
   Applicant must address this to the board

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.
   
   Site and buildings are pre-existing
H. The Conditional Use desired will not adversely affect the public health, safety and morals.

Applicant must address this to the board

Recommendation:

Staff states that included in the BZA packets in an email from Capt. Dave Parin from the Montgomery County Sheriff’s Department pertaining to the calls for service at the previous location of 3870 N. Dixie Dr. He says going back to 2005, they had roughly 50 calls for service, nothing too serious, with the exception of a shooting in 2017 where two people were shot during a robbery attempt and a third injured by shrapnel, and on March 7, 2017 there was an aggravated robbery involving a firearm. Staff recommends the Board take into consideration all of the factors presented in this material and presentation by staff and applicant.

The applicant, Donna Hall (Talk N Win) 6229 N. Dixie Dr., was duly sworn and stated the business was started in 2004 at 3870 N. Dixie and remained there until the tornado. She says they are now ready to get started again. She states the hours of operation will be Sunday through Wednesday open until midnight and Thursday through Saturday until 2:00 am. The applicant also stated that at the previous location, there weren’t any problems with patrons going out for smoke brakes and causing noise. She then states there will be no concession stand or food service available and no alcohol will be served. She has no problem if a customer wants to bring in a McDonald’s sandwich and eat while they play. Occasionally, she will order pizza and serve everybody but that’s not every day. When asked why this location was picked, Ms. Hall says it was because they’d done so well at the other end of Dixie and doesn’t think the parking will be an issue. She says usually after ten o’clock, they may have only ten (10) customers. Ms. Hall also says they have not considered any other location. She says most of the customers are older people and they are not hanging outside and creating disturbances. When asked, the applicant stated that she would provide plain clothes security that is registered with a security firm. Ms. Hall says there are occasionally some customers that are handicapped and the building does not currently have automatic doors. Staff then stated that the automatic doors are not a Zoning requirement. When asked about the interior, the applicant stated that the location was last used as a Nationwide Insurance branch with offices and she is not planning to change the inside. Ms. Hall says there will be 10 games and seating for approximately 20-25 people at one time spread among 3 rooms.

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

After some discussion among the Board, Mr. Jerry Barned made a motion to deny Case No. BZA-02-20. Mr. Steven Russell seconded the motion. Motion carried and passed 5-0.
There being no further business to discuss, Ms. Larrick made a motion to adjourn the meeting. Mr. Jerry Barnes seconded. Motion carried and passed 5-0.

Respectfully submitted,

Harrison Township
Board of Zoning Appeals

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Regina Moore          Charles Waldron, President
Administrative Assistant

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Patricia Larrick, Vice President

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Steven Russell

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Jerry Barnes

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Don Marlow

Attested as to Signatures,

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Regina Moore
Administrative Assistant