The meeting of the Harrison Township Board of Zoning Appeals was called to order at 7:00 p.m. on Monday, June 10, 2019.

Those present:
Patty Larrick
Jerry Barnes
Don Marlow

Justin Riley Olszewski,
Zoning Administrator, Development Dept.

Not present:
Charles Waldron
Steven Russell

APPROVAL OF THE MINUTES:
Mr. Don Marlow made a motion to approve the minutes from the Monday, May 13, 2019 BZA meeting. Mr. Jerry Barnes seconded. Motion carried and passed 3-0.

NEW BUSINESS
Case# BZA -07-19
Case# BZA-07-19 was initiated by Felicia and Tera Mack, 3301 Haney Rd., Dayton OH 45405. The applicant is requesting a Variance to Article 38, Section 3805.01(B) to increase the number of permitted persons allowed on the property at any one time for a home daycare. The property is located at 3301 Haney Rd., Dayton, OH 45405 in Harrison Township, Montgomery County, Ohio.

Staff states that the property is located on the north side of Haney Rd. and its Eastern Termination. The property is currently zoned “R-3” Single Family Residential. The surrounding zoning is “R-3” Single Family Residential. The surrounding land use is residential to the north, east, and south, and residential vacant land to the west. The property currently operates as a single family residence. Article 3805.01(B) permits a home occupation of a Type B residential daycare, allowing up to 6 persons to be on the premises for the operation. The applicant is requesting a variance to allow a Type A residential daycare, which would increase the capacity to 12 persons maximum. Harrison Township Fire Inspector Kevin Monroe completed a life safety inspection of the property and has approved the residence for the proposed use.
Discussion and Alternatives
The Board’s alternatives are as follows:

1. Approve the variance as requested and allow the additional six person capacity.

2. Deny the variance as requested.

Recommendation:

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

The applicant, Felicia Mack, 3301 Haney Rd., was duly sworn and stated that her goal is to do what she’s always done with children by making a difference in their lives and the community by engaging, educating and inspiring their greatness. She also states that she’s been in the child care business twenty plus years. She has been a Type B provider at another location in the past, but the home day care facility at her current address is something new. She then says that although she could work with the current regulation of the six person capacity, she’s used to being in the classroom and she feels that the younger kids are her calling. When asked how long the applicant had been at her residence, Ms. Mack replied she’s been there since the late seventies.

Ms. Mack says that the day care is not open yet and is hoping to be approved for the variance before doing so, and that the room in the home where the day care will be housed is large enough to accommodate the requested increase. When asked if there was a particular reason for the Variance request, Ms. Mack replied that she likes a challenge. She then says that the children at the facility would range in ages of 3 to 5 years and that she has a National Accreditation. Ms. Mack states that if there were an evening shift, it would be sleep space only, and in that instance, the hours of operation for first shift would be 7:00 am – 6:00 pm and if she were to do the third shift it would be 10:00 pm – 6:00 am.

When asked about the wooded lot behind her property, Ms. Mack stated that the lot belongs to an out of state church and that her back yard would be fenced in. When asked about traffic, the applicant states that there is a double drive way and that the facility would be drop off/pick up, no lingering. She also says that the drop offs/pick-ups are usually staggered and not all cars would be there at the same time.
When asked of staffing, Ms. Mack says the ratio for 12 children is 2:12 and would consist of herself and her daughter.

There being no other to speak on behalf of, or in opposition to, Ms. Larrick closed the public speaking portion of the hearing.

After final discussions among the Board, Mr. Don Marlow made a motion to approve Case# BZA-07-19. Mr. Jerry Barnes seconded the motion. Motion carried and passed 3-0.

There being no further business to discuss, Mr. Jerry Barnes made a motion to adjourn. Mr. Don Marlow seconded. Motion carried and passed 3-0.

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