

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD NOVEMBER 14, 2022**

The City of Germantown Board of Zoning Appeals met on November 14, 2022 at 7:04 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the call to order: Mr. Treiber, Mr. Dalton, Mr. Herner, Mrs. Spencer, and Mrs. Izor.

ALSO PRESENT:

Stephanie and Jeffrey Keith, Applicants; Kelli Novak, Clerk of Council; and Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE OCTOBER 10, 2022 BZA MEETING:

On a motion by Mr. Treiber, seconded by Mr. Dalton, it was moved to approve the minutes of the October 10, 2022 meeting as written. On call of the roll: Mr. Treiber, yes; Mr. Dalton, yes; Mr. Herner, yes; Mrs. Spencer, yes; and Mrs. Izor, yes. Motion carried.

VARIANCE APPLICATION # CU22-02:

Chairman Izor said we will be discussing Application # CU 22-02 made by Jeffrey and Stephanie Keith, who are seeking a conditional use to permit and operate a Child Day Care Center at 16 Hoover Place, Germantown, Ohio. She asked the applicant to come forward and give their presentation.

Mrs. Stephanie Keith of 16 Hoover Place said she is applying to have a Child Care Center at her house.

Mr. Brane said in conversation with staff the property owner stated she has 7 other children from 1 to 5 years old (that day); 3 of her own children ranging from 2 months to 4 years in addition to the other 7 children. A helper was on site that day and the property owner noted she is not licensed. The children are split between 2 rooms and the backyard is contained by a 6-foot privacy fence where a trampoline and 2 swing sets are provided.

Mr. Brane said given the significant number of unknowns and absent other information in regards to training, licenses, certifications, qualifications, required areas and oversight, as well as the traffic complaint; Staff does not feel comfortable recommending approval for the use as described.

Chairman Izor said it looks like we are short of having enough information to make a decision. She asked Mrs. Keith if she had looked into licensing standards for day care centers. Mrs. Keith said no. Chairman Izor said this may be a good direction to point you in; you can get information at Day Care.com or at Ohio Jobs and Family Services. There are types of homes and facility information along with regulations about how many children, inspections, and licenses. She asked

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staff if there were any direction they can give Mrs. Keith. Mrs. Novak said she would have to contact Job and Family Services.

Mrs. Spencer asked Mrs. Keith if she did this by herself. Mrs. Keith said I have someone work with me and she is there from 7 to 4.

Chairman Izor asked is this was the usual number of children and if there was ever days when she had 20 children. Mrs. Keith said 10 is the most but some days we have less.

Mr. Herner said technically you cannot operate until you have a license from Job and Family Services. When you are dealing with children it becomes a pretty grave situation to make sure the safety levels are there. Once you look into this you will find there is a level that you don't have to be licensed and that is 6, but once you go over 6 then a lot of things start to happen, and once you go over 12 you are a full tilt day care facility requiring sprinklers, alarms and exits. Just so you are aware, but Jobs and Family Services are the ones. I assume things have gotten better. A few months ago when I dealt with Jobs and Family Services they were difficult to get a hold of because of covid. I would suggest you start there to make sure you have everything you need.

Mrs. Spencer said the other when dealing with Jobs and Family Services is they want you to fill out everything. They are just picky about making sure every line and dot are taken care of.

Chairman Izor said there are variations in what the child count is depending on age group and if your children are under a certain age group, they may be included. There are a lot of resources on their website. Mrs. Novak added a business application would be required for Germantown.

Chairman Izor said if you have less than 6 it doesn't require a license, but it sounds like you have more than that. Depending on the age of your own children they may be counted in that. It would be a bit of a process, part of which would be coming back to us and presenting to us that you have fulfilled a lot of these check list items and then getting conditional zoning approval is part of the process of getting a license. I don't believe you are far enough in this process to understand what it might entail.

Mr. Dalton said one of the things brought up is traffic and this would be considered a home occupation. If you get okayed by Jobs and Family Services that may not apply but if it does, there is a requirement that only 25% of the floor area of the dwelling can be used for the business. That's not very much when you are trying to take care of kids.

Chairman Izor opened a public hearing.

Ms. Rachel Duffy of 12 Hoover Place said we don't have any issues, they are awesome neighbors, they are great with the kids, and they help everybody. Something should happen to allow her to care for these kids. These are single Moms and several of my friends have brought their kids to Stephanie, and she helped me during the pandemic. This is a small town and I get there are politics, but whoever started this, whoever made this complaint, is not here. If they were complaining, they should be here. They do a great job with these kids. I am to the right of her, my area is larger than the person on the other side, but we have no problems with traffic whatsoever.

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Mr. Herner said I drove by there and I didn't see any issues. Ms. Duffy said if she needs additional parking, she can use my driveway.

Mr. Herner said we are trying to help. I agree with everything you said and we are not trying to be a blockade.

Chairman Izor said I'm glad you said that, we need great child care, but once it is at this scale we have to adhere to health and safety guidelines. All that needs to come in to play before we could grant a conditional use. The website gives a thorough review of the process.

Mrs. Novak said I would suggest you give us your hours, drop off times, how many kids you have, days of operation; any details that would help us work with you.

With no further speakers coming forward, the public hearing was closed.

On a motion by Chairman Izor, seconded by Mrs. Spencer, it was moved to table Case# CU22-02 until the January 2023 meeting. On call of the roll: Chairman Izor, yes; Mrs. Spencer, yes; Mr. Dalton, yes; Mr. Treiber, yes; and Mr. Herner, yes. Motion carried.

ADJOURNMENT: With no further business, the meeting was adjourned at 7:33 p.m.

Whitney Izor, Chairman

Keith Brane, City Planner