

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
MUNICIPAL GOVERNMENT COMPLEX – COMMISSION CHAMBERS
6:00 P.M. – TUESDAY, MARCH 22, 2022

TO ORDER

At approximately 6:00pm Chair Person David Fishback called the meeting to order. The Introductory Statement of BZA Duties were outlined as well as the order of business to be followed. Meeting conduct procedures were reviewed and those in attendance were sworn in. All present were asked to stand and raise their right hand. The Chairman administered an oath to all present to testify before the BZA asking them to swear or affirm to tell the truth, and to acknowledge their intent to abide by the oath administered by stating, "I do" or "opposed". All present stood and took the oath to tell the truth with all persons present stating "I do".

Joe Wilson made a motion to excuse April Dankworth from the meeting and Wayde Davis seconded the motion.

ROLL CALL

Members Present: David Fishback, Joe Wilson, Wayne Davey, Wayde Davis

Members Absent: April Dankworth

MEETING MINUTES

Approval of the minutes from the February 22, 2022 Board of Zoning Appeals Meeting were approved by voice vote.

NEW BUSINESS

RESOLUTION BZA 3-22

A resolution requesting a variance to increase the maximum allowed number of primary detached signs at 555 E. Statler Road

Kyrsten French, City Planner, gave the staff report. It was explained that the applicant, Quint Creative, has requested a variance to place a second primary detached monument sign at EPSilyte, formerly known as Polysource. It was noted that the distance between the two driveway entrances is about 800 feet. It was also noted that the facility is located behind two outbuildings that are between the two driveway entrances. Staff recommends approval of the request.

The board deliberated and discussed that due to the unique lot size and configuration of the facility, the variance request was understood. The board also discussed changes that are being proposed in CodePiqua, which would allow this addition with no board approval required.

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After no further public comment or deliberation, a motion was made to approve Resolution BZA 3-22 by Joe Wilson and was seconded by Wayne Davey. Resolution BZA 3-22 was approved with a 4-0 vote.

RESOLUTION BZA 4-22

A resolution requesting a variance to increase the maximum driveway width at 901 Nicklin Avenue zoned R1–One-Family Residential

Kyrsten French, City Planner, gave the staff report. It was explained that the applicant, Ryan Lacy, has requested an increase of the maximum driveway width to 36' for 901 Nicklin Ave. The applicant built a new garage, and has noticed persistent drainage problems caused by the existing curb cut, and would like to redesign the approach to fix the problem. Expanding the driveway would allow the third driveway bay to have access to the street. Staff recommends approval of the request.

Ryan Lacy, applicant, 901 Nicklin Avenue, came forward to speak on the item. He reiterated Kyrsten's comments and explained that the plan is to bring up the curb, shifting water flow towards Ann Street where there is proper drainage.

The board deliberated and discussed further, noting that the limited impact and potential to correct a persistent drainage problem through the proposed design in this case makes a code exception reasonable. The board also agreed that the structure is a great upgrade to what was previously there.

After no further public comment or deliberation, a motion was made to approve Resolution BZA 4-22 by Wayde Davis and was seconded by Joe Wilson. Resolution BZA 4-22 was approved with a 4-0 vote

RESOLUTION BZA 5-22

A Resolution to consider the decision of the enforcing official concerning a demolition order for 405/407 S. Main St

Frank Patrizio, City Law Director, gave the staff report. He explained that the property in question was condemned in March of 2017. He summarized the activity and actions that code compliance took.

Aaron Morrison, Code Compliance Coordinator, came forward and further explained the timeline that each notice was sent. Aaron also discussed the meetings that took place with the property owner and the outcome of each meeting. It was noted that the city had available funds to use to demolish the property in question. The property owner decided in November of 2021 to begin the demolition of a section of the building. On December of 2021, inspection indicated no further action had been taken to close the opening into the property and no plans had been submitted to the city or county. A notice of demolition for the rest of the building was sent to the owner at this time.

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In 2022, a meeting was scheduled between the property owner, City Manager, and Community and Economic Development Director and the owner. The owner left the meeting with no resolution. On March 2, 2022, plans were submitted but did not satisfy the requirements discussed. It was noted that there have been issues with the Police Department over the last four months, including theft. As it currently sits, the building remains unsafe.

Attorney Tom Buecker, representative for the property owners at 405/407 S. Main Street came forward. He explained the Ulbrich family purchased and prepared this property in 1999 because it was blighted. The property has been of different uses over the years. Mr. Buecker noted that the owners own several other properties in Piqua. He also discussed that the owners met with a structural engineer who say the building is structurally sound. The owner recently received a proposal to complete the work needed on the property but he is not able to begin work until May of 2022.

The board noted paperwork in the agenda packet, signed by the owner in 2018, stating that work would be complete in 2019. The board asked Mr. Buecker why a new due date should be approved, given the history. Mr. Buecker stated that he believes the property owners have taken new steps to do what is necessary.

The board noted that the property is a clear nuisance and pointed out the trash on the exterior. The board asked what the future use of the building was planned to be. It was noted that there is no future use planned. The owner confirmed that the building is currently insured and stated that he has been busy over the last few years and does not remember receiving many of the notifications and letters. Tom Buecker suggested a new due date to complete the work in 2-3 months. It was noted by the owner that the property taxes are current.

Barbara Ulbrich, came forward to speak on the item. She spoke about several properties owned by the Ulbrich family on the South end of Piqua. She discussed the history of the property in question. Ms. Ulbrich noted that it is their intention to fix up the building and asked for patience from the board to complete work.

Frank Patrizio came forward to make additional comments. He noted that the property has been condemned for 5 years. He noted that Chris Schmiesing denied the plans that were recently submitted due to it being insufficient.

Tom Buecker also came forward again and stated that the owners are willing to commit to the project no matter the cost.

Al Cooper, 419 S. Main St., came forward to speak on the item. He explained that he is a next door property owner of the property in question. He said that he has watched the property deteriorate over the last 5 years and recently has noticed people coming in and out of the property. He noted that he believes the property should be demolished or at the very least boarded up to keep people and animals out of it.

Brad Ulbrich, property owner, came forward. He spoke about COVID and the setbacks that it provided to his business. He noted that he has had issues with tenants in the past and future tenants of the space would be screened at a higher scrutiny. He explained

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that he has put things off but wants to work on the property and his goal is to fix it rather than demolish it.

The board discussed the timeline and details of this property over the years. The board noted that this meeting gave the owner a chance to appeal the decision made by the enforcing official and that the plan of work submitted did not provide enough detail.

After no further public comment or deliberation, a motion was made to approve the decision of the enforcing official by way of Resolution BZA 5-22 by Joe Wilson and was seconded by Wayne Davey. Resolution BZA 5-22 was approved with a 4-0 vote

OTHER BUSINESS

ADJOURNMENT

With no other business before the Board, a motion was made and seconded to adjourn the meeting. With all those present in favor the meeting was adjourned at 7:25 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, City of Piqua Development Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.