CALL TO ORDER

ROLL CALL

SWEARING IN                     Mike Taylor

MEETING MINUTES                  November 23, 2010

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-11   A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2011 calendar year.

2. Resolution BZA 02-11   Authorization of a variance to reduce the number of off street parking spaces required at the property located at 226 W. Water St., Piqua, OH 45356

OTHER BUSINESS

Removal of December 27, 2011 meeting from the 2011 meeting schedule.

ADJOURNMENT
BOARD OF ZONING APPEALS

OATH OF OFFICE

I, MIKE TAYLOR, solemnly swear (or affirm) that I will obey the Constitution and Laws of the United States and of the State of Ohio, that I will in all respects, observe the provisions of the Charter and Ordinances of the City of Piqua, and faithfully discharge the duties of the Board of Zoning Appeals.

________________________
Steve Reindel
Board of Zoning Appeals

Sworn to and subscribed in my presence this 22nd day of February, 2011.

________________________
Joni Kakatolis
Clerk
CALL TO ORDER
At 6:00 Chair, Steve Reindel called the meeting to order. The Chair read the Introductory Statement of BZA Duties and outlined the order of business to be followed. The Chair reviewed the meeting conduct procedures and swore in those persons in attendance. The Chair asked all persons present to stand and raise their right hand. The Chair administered an oath to all persons 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 persons present stood and took the oath to tell the truth with all persons present stating "I do".

ROLL CALL
Members Present: Chair, Steve Reindel, Shawn Hicks, Pat Jenkins, Daniel Patrizio and Mark Spoltman.

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Larry & Jackie Wiles, 1149 Fisher Dr. Piqua, OH 45356
           Nick Miller, 2201 Patterson Halpin Rd, Piqua, OH 45356
           Jeff Herber, 8415 SR 202, Tipp City, OH 45373
           Norm Seipel, 222 E. Garnsey, Piqua, OH 45356
           Neal Jeakel, 6525 Angola Rd., Holland, OH 43528

OATH OF OFFICE
The Chair administered the Oath of Office to the newest BZA Member, Shawn Hicks.

MEETING MINUTES
A motion to accept the August 24, 2010 meeting minutes was made by Pat Jenkins and seconded by Dan Patrizio. All members voted in favor. The motion was carried with a vote of 5-0.

OLD BUSINESS
None

NEW BUSINESS
1. Resolution BZA 13-10
A petition to variance section 154.081(A) minimum driveway setback to a lot line to allow the installation of a new driveway at 1149 Fisher Drive.
CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, NOVEMBER 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Schmiesing presented the Staff Report which recommended that although it does have peculiar circumstances, the petition be approved with no conditions.

Mr. Patrizio asked if a variance was needed on the 2 car garage to which Mr. Schmiesing indicated not at this time.

The applicant, Larry Wiles, 1149 Fisher Drive addressed the Board indicating that Mr. Schmiesing had covered most of his comments. Mr. Wiles added that the reason for the request was to add additional space to the home to accommodate his family. The plan is to make the existing garage an additional bedroom and add the new garage. He indicated that they are happy in their home and neighborhood.

Mr. Patrizio questioned the timing of erecting the garage to which Mr. Wiles indicated that was dependant on the temperature and it would either be yet this winter or in the spring of 2011.

The Chair opened the floor for public comment. There was no public comment.

A motion was made by Dan Patrizio to approve the variance. Mr. Spoltman indicated that he went out and looked at the property and agrees with the Staff Report that it does have peculiar circumstances. Mr. Spoltman seconded the motion to approve the variance.

All members voted AYE with the exception of Mr. Jenkins who abstained due to the fact that the applicant is his son-in-law. The resolution was approved with a vote of 4-0.

2. Resolution BZA 14-10

A petition to variance Section 154.127 (G)(2)(a) minimum front yard setback to allow an addition to the existing principal structure at 741 Staunton Street.

Mr. Schmiesing presented the Staff Report which recommends approval without conditions. The applicant was not in attendance. There were no questions presented by the Board. The Chair opened the floor for public comment.

Norman Seipel, 222 E. Garnsey, Piqua, Ohio addressed the Board indicating that Matt Bushnell is a good neighbor and has made a lot of improvements and has done a good job of maintaining the property. His concern is the increase of water runoff. He indicated that while the construction is being done, there should be thought given to drainage to that area. Other than that, he had no objections.

Mr. Jenkins questioned whether there are any storm catch basins there and Mr. Seipel said he did not believe so. Mr. Seipel indicated he is at the corner of Garnsey and Statler and that there are no catch basins around his property.
Mr. Schmiesing addressed the concern by indicating there is an erosion control plan that has to be submitted by the contractor so this issue would be addressed in that manner. As far as the additional volume of storm water, one of the submittal requirements is storm water calculations provided by a professional engineer.

No additional questions were presented and public comment was closed.

A motion was made by Mark Spoltman to approve the variance, seconded by Pat Jenkins. All members voted AYE with the exception of Mr. Patrizio who abstained. The resolution was approved with a vote of 4-0.

3. Resolution BZA 15-10

A petition to variance Section 154.81 (A) minimum parking lot setback to a lot line to allow the expansion of an existing parking lot at Fox Drive.

Mr. Schmiesing presented the Staff Report which recommends approval without conditions.

Pat Jenkins asked if Midwest owned the property to which Mr. Schmiesing responded affirmatively.

Nick Miller, the applicant addressed the Board indicating the reason they are building up is because of the fact that they have not other options. There were no questions by the Board. Public comment was opened and closed with no comments.

Mr. Jenkins asked if notices were sent to people to the west of the property and Mr. Schmiesing responded explaining that “occupant” is used as a convenience in mailing notices.

Mr. Spoltman asked if the setbacks requested are typical and Mr. Schmiesing indicated they are comparable.

A motion was made by Pat Jenkins to approve the variance, seconded by Dan Patrizio and the resolution was approved with a vote of 5-0.

4. Resolution BZA 16-10
CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, NOVEMBER 23, 2010

MUNICIPAL GOVERNMENT COMPLEX – COMMISSION CHAMBERS
A petition to variance Section 154.028 (G)(1) minimum front yard setback to allow the expansion of a parking lot at 101 Fox Drive.

Mr. Schmiesing presented the Staff Report which recommends approval without conditions. There were no questions from the Board.

Mr. Miller approached the Board and indicated that Mr. Schmiesing had summarized what they wanted to do and that it is needed. There were no questions by the Board.

Public comment was opened and closed.

Mark Spoltman made a motion to approve the variance. Mr. Spoltman indicated the site is limited and it appears to be similar in restrictions like other sites in the area so it is not unusual. Mr. Spoltman indicated he was in favor of approval. The motion was seconded by Dan Patrizio and the resolution was approved with a vote of 5-0.

5. Resolution BZA 17-10

A petition to variance section 154.101(D)(2)(5) minimum setback and maximum secondary image allowance to allow the replacement of the sign cabinets/panels on the existing high-rise pole sign at 900 Scott Drive (along I-75).

Mr. Schmiesing presented the Staff Report which recommended approval without conditions.

Mr. Spoltman asked about the 200 sq. ft. and whether that was the current allowable area. Mr. Schmiesing indicated they are reducing the overall square footage. Mr. Patrizio asked if it is going to move and the answer is no, they are simply changing the cabinetry. Mr. Reindel wanted to know how long the current sign had been at the location and Mr. Schmiesing indicated he did not know. Mr. Reindel requested the applicant come forward.

Neil Jeakle with National Illumination & Sign Corp. addressed the Board indicating that the 258 sq. ft. is present, location will not change and main structure will not change. We are merely doing a “face change”.

Pat Jenkins wanted clarification on the height. It is 60 foot 8 inches and will not change.

Public comment opened - no comment and public comment closed.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Patrizio questioned the maximum face area. Is the proposed sign under the maximum?

Mr. Schmiesing indicated that the area is not in question and it is simply the setback issue.

Mr. Jenkins asked if that was the only off premises sign on the location?

Mr. Schmiesing - yes.

Mr. Jenkins made a motion to approve the variance which was seconded by Mark Spoltmar. All members voted AYE and the resolution passed with a vote of 5-0.

6. Resolution BZA 18-10

A petition to variance section 154.102(D)(2)(a)(1) maximum number of primary wall signs at 1300 E. Ash Street.

Mr. Schmiesing presented the Staff Report which recommends approval without conditions.

No questions by the Board for Mr. Schmiesing.

The applicant, Milan Desai addressed the Board indicating for the request is for advertising purposes. Currently, there is no indication that there is a Subway in the Walmart.

Mr. Reindel asked the applicant if he owned any other Subway locations to which Mr. Desai responded no.

No additional questions for the applicant by the Board.

Public comment opened - no public comment - closed.

Mr. Reindel indicated that it be approved because there are no objections by the surrounding parties.

Mr. Spoltman motioned to approve the variance which was seconded by Mr. Jenkins. All members votes AYE and the resolution is approved with a vote of 5-0.
7. Resolution BZA 19-10

A petition to variance section 154.102(C)(1) maximum area for a wall sign at 1200 E. Ash Street.

Mr. Schmiesing presented Staff Report which recommends approval without conditions.

Mr. Spoltman asked if was replacing the existing one and Mr. Schmiesing indicated it was.

Mr. Reindel addressed the floor indicating that prior to the meeting the Board was presented with a letter from Ms. Tammy Darling. Mr. Schmiesing indicated that at the time of the application the landlord failed to satisfy this particular requirement and the letter was in response to that.

The applicant, Jeff Herber representing LeVeck Lighting the contractor addressed the Board. Mr. Herber indicates this is country wide improvement for the company.

Mr. Spoltman questioned the difference of 242 sq. ft on the drawing v. 438 sq.ft. in the Staff Report. Mr. Schmiesing approached and clarified the dimensions.

Mr. Patrizio questioned the width difference and the applicant indicated there is no difference.

No other questions from the Board. Public Comment opened - no comment and closed.

Mr. Spoltman indicates the sign is headed in the right direction and the size seems appropriate. Mr. Spoltman indicated he is in favor of the resolution and made a motion to approve the variance. The motion was seconded by Dan Patrizio. Mr. Hicks abstained due to an ongoing business relationship with the applicant. A vote was taken and the Resolution was approved with a vote of 4-0.

OTHER BUSINESS

No other business

ADJOURNMENT
With no further business before the Board a motion to adjourn the meeting was made by: Dan Patrizio, seconded by Steve Reindel. All voted AYE and the meeting was adjourned at 7:35 PM.
RESOLUTION BZA 01-11

PURSUANT TO, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations as originally adopted August 6, 2002, the Board of Zoning Appeals Chairman and Vice-Chairman shall be elected annually; and,

WHEREAS, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations states the Board of Zoning Appeals shall appoint chairman and vice-chairman by a majority vote in the month of January, or at the first regularly scheduled meeting held during the calendar year; and,

WHEREAS, the Board of Zoning Appeals has nominated __________ as the chairman and __________ as the vice-chairman and both have agreed to serve in this capacity if appointed by the Board of Zoning Appeals;

NOW THEREFORE BE IT RESOLVED, board member __________ hereby moves to nominate __________ as Chairperson. The motion was seconded by __________ and the vote was ____ as recorded below. __________ will serve as Chairperson for the 2011 calendar year.

NOW THEREFORE BE IT RESOLVED, board member __________ hereby moves to nominate __________ as Vice Chairperson. The motion was seconded by __________ and the vote was ____ as recorded below. __________ will serve as Vice Chairperson for the 2011 calendar year.

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PROCEDURES FOR APPOINTING A CHAIR AND VICE-CHAIR

Step One - Determination of interest in being nominated.

The chair will ask the secretary to call the role. When your name is called and you are asked if you are interested in serving in the chair or vice-chair position during the upcoming calendar year, respond by stating YES if you are interested, NO if you are not interested. The secretary will first ask if you are interested in serving as chairperson, you will respond, then the secretary will ask if you are interested in the serving as vice-chairperson, and you will respond again.

Declaration of candidacy.

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Step Two - Nomination of Chair and Vice-Chair.

The chair will open the floor for nominations. Board members interested in making a nomination will choose from the eligible candidates identified in the previous step and nominate the individual for each position that they feel is best suited to serve in that capacity. The chair will close the floor only after each board member interested nominating a chair and vice-chair has had an opportunity to do so.

Chairperson

Vice-Chairperson

Step Three - Motion to accept nominated persons.

The chair will accept a motion to appoint a chair and vice-chair from the nominees identified in the previous step. Said nominees to be appointed are to be identified in the motion, and upon the motion receiving a second the chair will ask the secretary to call the role. Motions without a second will die. Seconded motions that fail to secure a majority vote (at least 3 supportive votes) will be considered defeated. The chair will accept a new motion and repeat the process until a majority vote is cast in support of a motion.
RESOLUTION No. BZA 02-11

WHEREAS, Shafer Investments, owner of Piqua Marathon, 226 West Water Street in the City of Piqua, Ohio, being in a district zoned CBD (Central Business District), has filed a petition to variance the number of off street parking spaces required at the property located at 222 West Water Street, Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.082 (E)(2) establishes that:

154.082 PARKING REQUIREMENTS.

The amount of required parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines in any district, except as otherwise provided.

(E) Road service and commercial entertainment uses.

(12) Convenience food stores, carry-outs, mini-markets. One and one-half spaces for every 200 square feet of floor area, plus one space for each employee.

WHEREAS, the Board of Zoning Appeals has considered whether the variance requested:

☐ Is necessary to permits the owner a reasonable use of the land.
☐ Is justified due to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned.
☐ Will constitute a change in the district map
☐ Will impair an adequate supply of light and air to adjacent property.
☐ Will increase the congestion in public streets.
☐ Will increase the public danger of fire and safety.
☐ Will materially diminish or impair established property values within the surrounding area.
☐ Will in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city.

NOW THEREFORE BE IT RESOLVED that ________ motioned to approve/deny the request to variance the number of off street parking spaces required at the property located at 226 W. Water St., Piqua, Ohio. The motion was seconded by _________ and the request was approved/denied with a vote of _____ as recorded below.
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STAFF REPORT

Date: February 17, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 226 W. Water Street Parking Variance

GENERAL INFORMATION

Applicant: Dave Mitchell
Owner: Schafer Oil
Location: Inlot 95
Zoning: CBD (Central Business District)
Land Use
Existing: Fuel Facility; Convenience Store; Parking Lot
Proposed: Fuel Facility; Convenience Store; Parking Lot
Request: Authorization of a variance to reduce the number of off street parking spaces required from the 12/13 spaces required by the applicable code section to the 4/5 spaces proposed on the site plan provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for the reduction of the off street parking requirements for the proposed improvements. Based upon square footage of the proposed improvements the parking regulations require 13 off street parking spaces to be located on the subject site. The site improvements proposed includes 4 or 5 off street parking spaces. The Planning Commission has previously authorized the reconstruction of the special use convenience store and the project will also be subject to the approval of the Downtown District Design Review Board.

The zoning code includes sections outlining the powers of the Board of Zoning Appeal’s relative to variances and the determinations to be made prior to taking official action in a specific case. The following highlights each of the criteria described in those sections and provides staff’s analysis of how this request measures up to those standards.

Section 154.142(C)(2) states, “Powers relative to variances. To hear and decide upon petitions for variances and, subject to the conditions and safeguards deemed appropriate by the Board, to vary the strict application of the height, area, setback, or parking requirements to the extent necessary to permit the owner a reasonable
use of the land in those specified instances where there are peculiar exceptions, and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned. Prior to taking action on a variance request, the Board may hold a public hearing. Any variance granted by the Board shall become void if within one year on the date of passage, a building permit has not been issued and construction has not been initiated."

Is this request necessary to permit the owner a reasonable use of the land?
- and -

Is this request justified due to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned?

Staff Analysis: The proposed improvements will be consistent with the use that has operated at this location for many years with no concerns regarding cff street parking; and, the proposed improvements will in many ways lessen the degree of nonconformance with other applicable standards. It is staff's opinion that the area variance as requested will allow for a reasonable use of the land.

Section 154.142(D)(1) states, "Official Action. In exercising the above-mentioned jurisdiction, the Board of Zoning Appeals may reverse, affirm, or modify the order, requirement, decision, or determination appealed and may make any decision as ought to be made. In considering all appeals and petitions within its jurisdiction under this chapter, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city. In making a determination, the Board may request information and recommendations from any department of the city."

Will the request constitute a change in the district map?

Staff Analysis: This request will not require a change in the zoning map.

Will this request impair an adequate supply of light and air to adjacent property?

Staff Analysis: It is unlikely that the proposed construction will impair the supply of light and air to adjacent property.

Will this request increase the congestion in public streets?
STAFF REPORT

Date: February 17, 2011
Subject: 226 W. Water Street

Staff Analysis: It is unlikely that the proposed construction will increase the congestion in the public streets.

Will this request increase the public danger of fire and safety?

Staff Analysis: It is unlikely that the proposed construction will increase the public danger of fire and safety.

Will this request materially diminish or impair established property values within the surrounding area? And, will this request in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city?

Staff Analysis: It is unlikely that the proposed construction will impair established property values, public health, safety, comfort, morals, or the welfare of the neighborhood, community, or citizens.

CONCLUSION
A portion of the convenience store traffic comes from fuel customers who leave their vehicles parked at the fuel pumps when visiting the convenience store. It is also important to note that portion of the store patrons arrive by foot. Those who do arrive by automobile and do not park at a fuel pump typically will transact their business in a very short time span and occupy a parking space for a very limited period of time. Further, the proposed use will define 4-5 parking stalls, while there are currently no defined parking stalls. Considering the use has existed at this location for many years with no off street parking concerns known, and the proposed improvements will eliminate other nonconformities presently found at the site, it is staff’s conclusion that authorizing the proposed variance...

- will yield the property owner a reasonable use of the property
- will not result in a substantial deviation from the code requirements
- will not substantially alter the character of the neighborhood or be a detriment to the adjoining properties
- will not adversely affect the delivery of government services
- will not relieve the property owner from conforming to all other applicable standards
- will solve a problem that cannot be remedied by other means
- will preserve the spirit and intent of the zoning requirements and serve substantial justice with reference to the circumstances and conditions known to exist within the neighborhood concerned.

RECOMMENDATION
Staff recommends that the Board of Zoning Appeals approve the requested variance.
BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

- PLEASE TYPE OR PRINT -

APPLICANT NAME  Dave Mitchell
APPLICANT ADDRESS  1256 Stanley Ave.
CITY  Dayton  STATE  Ohio  ZIP  45404
PHONE  (937)  461-2250
LEGAL INTEREST OF APPLICANT  Construction Manager

OWNER NAME  Schafer Investments
BUSINESS NAME  Piqua Marathon
OWNER ADDRESS  PO Box 376, 9109 SR66
CITY  Ft. Loramie  STATE  Ohio  ZIP  45845
PHONE  (937)  295-2801

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS  226 West Water St.
CITY  Piqua  STATE  Ohio  ZIP  45356
LOT NUMBER
PARCEL NUMBER: N44-002540
ZONING DESIGNATION  CBD

TYPE OF VARIANCE BEING REQUESTED - (CIRCLE ONE)
- ZONING  - OR - SIGN
- CHECK ALL BOXES THAT APPLY -
  - ZONING ENFORCEMENT APPEAL
  - SPECIAL DRIVEWAY
  - HEIGHT VARIANCE
  - SETBACK VARIANCE
  - AREA VARIANCE
  - PARKING VARIANCE
  - ZONING MAP BOUNDARY LINE
  - OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST
12 spaces required with new building. 9 supplied including parking at gas pumps

I hereby certify that the proposed request is authorized by the owner of record and agree to conform to all applicable laws of the City of Piqua, Ohio.

SIGNATURE OF OWNER  Tracy E. Stull, President  DATE  1-19-11

SIGNATURE OF APPLICANT  Dave Mitchell  DATE  1-19-11

NOTE - BOTH OWNER AND APPLICANT DATED SIGNATURES IN INK REQUIRED TO PROCESS REQUEST

*********************************OFFICE USE ONLY*********************************

$25.00 FEE PAID  -  25.00  RECEIVED BY  -  B. Cool

RECEIPT NO.  -  194940  DATE -  1-19-11

RECEIVED

January 19, 2011

CITY OF PIQUA
DEVELOPMENT OFFICE
YMCA
223 W. High St.
Piqua, OH 45356

*** MEETING NOTICE ***

Please be advised that the City of Piqua Board of Zoning Appeals will hold a meeting at the time and location stated below. It has been determined by this office that you may have an interest in an item on this meeting agenda (see enclosed meeting agenda). To view the Board of Zoning Appeals packet in its entirety, visit http://www.piquaoh.org/agenda_zoning_bd.htm or stop by this office.

TIME: 6:00 P.M.
DATE: Tuesday, February 22, 2010
LOCATION: Commission Chambers, Municipal Government Complex
201 W. Water Street

This is your opportunity to speak in favor of, or object to, the referenced item. If you desire to state your opinion concerning this matter and are unable to attend the meeting, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

Please contact this office if you have any questions pertaining to this matter.

Christopher W. Schmiesing
City Planner

Enc.
February 18, 2011

Laurie & Joseph Roisor
208 N. Downing St.
Piqua, OH 45356

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Christopher W. Schmiesing
City Planner

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<tr>
<td>BZA 03-11</td>
<td>LAURIE &amp; JOSEPH REISER</td>
<td>208 N. DOWNING STREET</td>
<td>Piqua, OH 45356</td>
</tr>
</tbody>
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**AGENDA PACKET TO:**

- BOARD OF ZONING APPEALS
- USPS MAIL

**EGOV-MEETING NOTICE TO:**

- FRED ENDERLE EMAIL
- CHRIS SCHMIESING EMAIL
- BOARD OF ZONING APPEALS EMAIL
- AMY WELKER EMAIL
- CHRIS BOEKE EMAIL
- CITY COMMISSION EMAIL
- DEAN BURCH EMAIL
- DEBBIE STEIN EMAIL
- FRED ENDERLE EMAIL
- BILL MURPHY EMAIL
- LORNA SWISHER EMAIL
- MARTIN KIM EMAIL
- STACY WALL EMAIL
- AMY HAVENAR EMAIL
- BRUCE JAMISON EMAIL
- PIQUA DAILY CALL EMAIL
- DAYTON DAILY NEWS EMAIL
- WPTW EMAIL
- PIQUA CHANNEL 5 EMAIL
- MIAMI COUNTY HOME BUILDERS ASSOCIATION EMAIL