BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
5:30 P.M. - TUESDAY, JULY 24, 2012
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER
1. Chair Comments Opening Remarks
2. Roll Call Clerk Calls the Roll

OLD BUSINESS
3. Meeting Minutes Meeting Minutes of the February 28, 2012 Meeting and the April 24, 2012 Meeting Minutes

NEW BUSINESS
4. Resolution BZA 6-12 Authorization of a variance to reduce the minimum rear yard setback of a principal structure located at 709 N. College Street from 10 feet to 1’-6” feet

ADJOURNMENT
5. Adjournment Adjourn Regular Session
CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 28, 2012

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Vice Chairperson Mr. Patrizio called the meeting to order. The Vice Chair read the Introductory Statement of BZA Duties and outlined the order of business to be followed. The Vice Chair reviewed the meeting conduct procedures and swore in those persons in attendance. The Vice Chair asked all persons present to stand and raise their right hand. The Vice 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: Dan Patrizio, Vice Chair, Skip Murray, Mike Taylor
Members Absent: Steve Reindel, Chair, Dan Henthorn

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Alan Miller, 627 Park Ave., Piqua, OH 45356

SWEARING IN:

Mr. Patrizio, Vice Chair administered the Oath of Office to Skip Murray.

MEETING MINUTES

Approval of the April 26, 2011 meeting minutes was tabled due to the lack of attendance by Board Members. The April 26, 2011 and the February 28, 2012 meeting minutes will be on the agenda for approval at the next BZA meeting.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-12

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2012 calendar year.

After the procedures for appointing a Chair and Vice Chair were read and the declaration of candidacy was recorded, Skip Murray nominated Steve Reindel for Chair for the 2012 calendar year. The motion was
CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 28, 2012

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS
seconded by Mike Taylor and Mr. Reindel was unanimously voted in as Chair for the 2012 calendar year.

Skip Murray nominated Dan Patrizio for Vice Chair for the 2012 calendar year. The motion was seconded by Mike Taylor and Mr. Patrizio was unanimously voted in as Vice Chair for the 2012 calendar year.

2. Resolution BZA 02-12

A resolution requesting a variance to reduce the set back from 3 ft. to 0 ft. for the driveway located at 627 Park Ave., Piqua, OH.

3. Resolution BZA 03-12

A resolution requesting a variance to reduce the set back from 3 ft. to 0 ft. for the addition to the garage located at 627 Park Ave., Piqua, OH.

Both of these resolutions were discussed together. Mr. Schmiesing presented Staff comments and made a recommendation to the Board for approval of both.

Mr. Patrizio requested clarification that the first resolution was for the driveway and the second resolution was for the addition. Mr. Patrizio also questioned whether the fence would be taken down. Mr. Schmiesing deferred to the applicant.

The applicant, Alan Miller, 627 Park Ave., Piqua, OH 45356 addressed the Board indicating that part of the fence would be removed, approximately 18 feet and that it would be replaced. The applicant, Mr. Miller indicated that he has had conversation with both his neighbor and the landlord and that neither have a problem with the proposed modifications.

Mr. Patrizio clarified with the applicant that there was a fence and that part of it would be torn down and part of it would be replace. The applicant confirmed that.

Skip Miller requested an explanation of the scope of the work to be done. The applicant explained that the cost would be approximately $20,000.00 but there is not enough equity in the house to sustain that. He received a bid from a contractor to tear down and rebuild that is approximately $20,000.00. To change the current structure, the cost is approximately $30,000 and the bank would not finance that.

Mr. Murray asked the applicant the question regarding timing, indicating that his understanding is that even though the applicant
Mr. Patrizio asked Mr. Schmiesing how long the request is valid to which Mr. Schmiesing responded variance requests are valid indefinitely. He indicated that a variance request that is DENIED cannot come back before the Board for one year.

Mr. Patrizio asked the applicant if he wanted to tear the structure down and his response was originally yes, but now he wants to do the set back. Mr. Patrizio asked the applicant if he was doing the driveway at the same time. The applicant responded indicating he was going to do the structure first and then put in the drive and sidewalk because it would be too difficult to get a concrete truck down the driveway.

Mr. Patrizio asked the applicant why he was not tearing the garage down and Mr. Miller responded that he did not apply for the right of ways.

Mr. Patrizio asked Mr. Schmiesing if it was possible for the applicant to do this because ultimately a new garage would look better than the existing structure. Mr. Schmiesing indicated that the applicant presented information indicating he wanted to enlarge the existing structure. If the applicant wants to tear down the building and put up a new one, that is doable. The driveway is trickier because it is a shared drive. There is however, alley access to this property.

Mr. Patrizio requested clarification regarding the right to come back to the Board to submit a new plan as a tear down to which Mr. Schmiesing responded that the issue is 0 ft. off the lot line with a redo or a new one. If there is a request for a new structure, Mr. Schmiesing would probably change his recommendation.

Mr. Murray asked how far the existing is to which Mr. Schmiesing responded 0 ft. already. Mr. Schmiesing indicated he is now hearing that the requested project may or may not be done. Mr. Schmiesing recommended that the two resolutions be tabled at this time and that the applicant resubmit his request when he is certain as to what the scope of the work will include. This way the Board is acting on the proposed improvements actually to be constructed. Mr. Schmiesing indicated that if the applicant returns with plans to construct a new garage and the minimum code standards are satisfied then the permit can be approved administratively with no further action by the ZBA being necessary. If the plans remain to add on to the existing structure with a 0 ft. setback then it would come before the Board again.
CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 28, 2012

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Patrizio indicated that the applicant has a structure there that is getting older and he is willing to make it newer - would it not be better to have a newer structure.

Mr. Schmiesing indicated that the BZA is not authorized to waive the setback requirement in exchange for a new structure, rather unique and peculiar circumstances making it impractical for the applicant to comply with the minimum setbacks must exist as justification for granting an exception.

Mr. Murray indicated that he is familiar with the local real estate market and that he does not see the market improving in the next 12 months. He indicated that he was not sure the funding would come in that time and would be inclined to table this and revisit it at a later time. Mr. Taylor was in agreement. Mr. Patrizio asked the applicant if he was agreeable to this to which he responded affirmatively.

Skip Murray made a motion to table both Resolution 02-12 and Resolution 03-12 and the motion was seconded by Mike Taylor. A vote was taken and the motion was passed 3-0. If the applicant decides to move forward with the project and it is necessary to bring the issue before the BZA, it will be done at that time.

OTHER BUSINESS

None

ADJOURNMENT

With no other business before the Board, Mr. Patrizio adjourned the meeting at 6:25 p.m.
CALL TO ORDER

At 6:00 Chairperson Mr. 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 Vice Chair asked all persons present to stand and raise their right hand. The Vice 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: Steve Reindel, Chairman, Dan Patrizio, Vice Chair, Mike Taylor, and Dan Henthorn

Members Absent: Skip Murray
Staff Members: Chris Schmiesing, and Becky Cool, Clerk

Attendees: Victory Kirk, 800 Manier Ave. and Duaine Flora, 1616 W. High St. Piqua, OH 45356

Motion was made by Mr. Patrizio, seconded by Mr. Henthorn to excuse Mr. Murray from the April 24, 2012 Board of Zoning Appeals Meeting. Voice vote, Aye: Mr. Reindel., Mr. Patrizio, Mr. Taylor, and Mr. Henthorn. Nay: None.

Moved by Mr. Patrizio, seconded by Mr. Taylor to amend the April 24, 2012 BZA Agenda to include the Swearing in of Daniel Henthorn as a Member of the Board of Zoning Appeals. Voice vote, Aye: Mr. Reindel, Mr. Patrizio, Mr. Taylor, and Mr. Henthorn. Nay, None.

Chairman Reindel read the Oath of Office as Board Member of the Board of Zoning Appeals to Daniel Henthorn.

OLD BUSINESS

MEETING MINUTES

Moved by Mr. Patrizio, seconded by Mr. Taylor to bring the April 26, 2011 Board of Zoning Appeals Minutes that were tabled at the February 28, 2012 BZA Meeting back to the table for approval at this time. Voice vote: Mr. Reindel, Mr. Patrizio, Mr. Taylor, and Mr. Henthorn. Nay: None. Motion carried on 4-0 vote.
Approval of the April 26, 2011 meeting minutes tabled from the February 28, 2012 Meeting due to the lack of attendance by Board Members. Voice vote, Aye; Mr. Reindel, Mr. Patrizio, Mr. Taylor, and Mr. Henthorn. Nay, None. Motion carried on a 4-0 vote.

Moved by Mr. Patrizio, seconded by Mr. Taylor to table the February 28, 2012 Board of Zoning Appeals minutes due to the lack of attendance by Board Members in attendance at that meeting. Voice vote, Aye: Mr. Reindel, Mr. Patrizio, Mr. Taylor, and Mr. Henthorn. Nay: None. Motion carried on a 4-0 vote. The February 28, 2012 BZA minutes will be on the next agenda for approval by the Board.

NEW BUSINESS

1. Resolution BZA 04-12

A resolution requesting a variance to reduce the minimum setback of an accessory building located at 800 Manier Avenue from 10 feet to 7 feet.

Mr. Schmiesing presented Staff comments stating the Applicant has applied for a variance to expand his existing 20 x 20 garage to a 24 x 32 garage. In submitting the application there was some miscommunication, and after reviewing it and getting some additional information from the applicant with regards to the driveway location there is no variance necessary at this time concerning the setbacks with the garage. Therefore the Resolution as currently presented is no longer necessary. The applicant is present and stated previously before the meeting he would like to build the garage with a roof design that is not compliant with the design standards applicable for an accessory structure. That particular portion of the code does not fall under the purview of the Board of Zoning Appeals to issue a variance or an exception, it certainly within the rights of the applicant to share his concerns and ask for response.

Mr. Reindel stated as he understands the request for these particular plans is not in the purview of the BZA to vote on. Mr. Schmiesing stated he felt it would be best to ask the applicant to share his comments and plans with the Board.

Mr. Reindel stated he has a relationship through Hartzell Propeller with Mr. Kirk and would recuse himself if the BZA Board were to make a recommendation. But as the way it is now Mr. Reindel stated he felt comfortable hearing Mr. Kirk’s plans since there would be no action required by the BZA. Mr. Schmiesing stated that was entirely appropriate, and asked Mr. Kirk to come forward with his plans.
Victory Kirk, 800 Manier Ave. Applicant came forward and explained his plans for the enlargement of the garage and the change in the roof line as he indicated. Mr. Kirk stated he is asking for permission to change the roof line to allow more storage space in the attic of the garage. If he were to follow the roof design of his home it would not allow for the storage area he is asking for and would not meet his needs. Mr. Kirk presented drawings from Piqua Lumber of the design of the roof truss he is requesting to use. Mr. Kirk further explained what his plans were for the change in the roof line.

Mr. Reindel stated after hearing staff comments he asked Mr. Kirk to contact Mr. Schmiesing and find out what the next steps would be to proceed with his project.

Mr. Kirk asked if after meeting with Mr. Schmiesing would his request have to come back before the BZA Board again. Mr. Reindel explained the BZA can only rule on certain items, and Mr. Kirk’s request may have to go before another Board depending on what is decided after speaking with Mr. Schmiesing. Mr. Reindel stated he drove by Mr. Kirk’s structure and his neighbor came out and stated he did not have any problem with Mr. Kirk’s plans for the garage, and he thought it would be great. Mr. Kirk stated he has really good neighbors as he has lived there for over 43 years.

Mr. Reindel thanked Mr. Kirk for coming and discussing his plans with the Board.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. BZA 05-12.

Resolution BZA 05-12

A resolution requesting a variance to reduce the side yard minimum setback for a principal structure located at 1616 W. High Street from 6 ft. to 4 ft.

Mr. Schmiesing presented Staff comments and made a recommendation to the Board for approval of resolution BZA 5-12.

Duaune Flora, 1616 W. High Street, Applicant came forward and explained that he would like to extend his garage and is in the process of updating his house installing new siding, and has a problem with a piece of concrete located in the area. Instead of putting a shed on the concrete slab he would like to extend his garage to that area so it would all become one structure.
Mr. Reindel stated he drove up Mr. Flora’s driveway to look at his lot and agrees with Staff comments. Mr. Flora has a pre-existing non-conforming use now and by making these changes and granting the variance it will correct the situation, stated Mr. Reindel.

Mr. Patrizio asked how Mr. Flora’s neighbors felt about his plans. The neighbor on the west side stated he would rather see it corrected than to have the offset, said Mr. Flora.

Mr. Patrizio stated he read all of the requirements for the variance, and did not see where there would be any problem in granting the variance at this time.

**PUBLIC COMMENT**

No one came forward to speak for or against Resolution BZA-05-12.

Moved by Mr. Patrizio, seconded by Mr. Henthorn to approve the variance

A vote was taken and Resolution No. BZA 05-12 was approved with a vote of 4-0.

**OTHER BUSINESS**

None

**ADJOURNMENT**

With no other business before the Board, Mr. Patrizio adjourned the meeting at 6:27 p.m.
RESOLUTION NO. BZA 06-12

WHEREAS, Barbara Miller, 708 N. College Street, in the City of Piqua, Ohio, being in a district zoned R-1 (Residential), has filed a petition for a variance to reduce the minimum rear yard 10 ft. setback to 1'-6" ft. at the property located at 708 N. College Street, Piqua, Ohio 45356.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.022 (G) (1) establishes that:

154.022 R-1 One Family Residential District

(G) Height and Area Regulations

The maximum height and minimum lot requirements within the R1 One Family Residential District shall be as follows:

(1) General requirements for dwellings:
Minimum lot area 6000 square feet
Minimum lot frontage 50 feet
Minimum front yard setback 25 feet
Minimum side yard setback is 6 feet

Minimum rear yard setback is less of 30 feet or 20% of lot depth
Maximum height is 35 feet

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

- Is necessary to permit 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 for a variance. The motion was seconded by ________________ and the request was approved/denied with a vote of________ as recorded below.

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APPLICATION REQUESTING A ZONING VARIANCE

APPLICANT NAME  Daniel Goetze-Lambes
APPLICANT ADDRESS  1104 Fountain Blvd
CITY  Piqua  STATE  OH  ZIP  45356
PHONE  (937)  606-4645
LEGAL INTEREST OF APPLICANT  Builder/Contractor

OWNER NAME  Barbara Miller
BUSINESS NAME  NA
OWNER ADDRESS  708 N. College St.
CITY   Piqua  STATE  OH  ZIP  45356
PHONE  (937)  541-6545

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS  708 N. College St.
CITY   Piqua  STATE  Ohio  ZIP  45356
LOT NUMBER  807  ZONING DESIGNATION  Single Family

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
Allow Deck to be built close to property line than standard setback.

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  Barbara Miller  DATE  7/6/12

SIGNATURE OF APPLICANT  Dan Goetze-Lambes  DATE  7/3/12

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

$25.00 Fee PAID - # 5311  RECEIVED BY  Q Stein

RECEIPT No.  206421  DATE  7-11-12
*** MEETING NOTICE ***

Please be advised that the City of Piqua Board of Zoning Appeals will conduct a meeting at the time and location stated below.

**TIME:** 5:30 PM  
**DATE:** Tuesday, July 24, 2012  
**LOCATION:** Commission Chambers – 2nd Floor  
Municipal Government Complex  
201 W. Water Street

To view the Board of Zoning Appeals packet in its entirety, visit http://www.piquaoh.org/agenda_zoning_bd.htm, or stop by the Development Office.

Please contact me if you have any questions pertaining to this notice.

**Chris Schmiesing**
Christopher W. Schmiesing  
City Planner
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<td>BZA 6-12</td>
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