CALL TO ORDER

ROLL CALL

MEETING MINUTES November 27, 2012

OLD BUSINESS NONE

NEW BUSINESS

1. Resolution 01-13 A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2013 calendar year.

2. Resolution 02-13 A resolution requesting an area variance to allow the placement of a swimming pool in a front yard area of the property located at 905 Covington Avenue.

OTHER BUSINESS

ADJOURNMENT
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 Chairman asked all persons present to stand and raise their right hand. The Chairman 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, Mike Taylor, Skip Murray and Dan Patrizio.

Members Absent: Dan Henthorn

Staff Members: Chris Schmiesing, and Becky Cool,

Attendees: Rick Hanes, Curt South, Ron Cool, Steve King, Cleta Tennery, Jim & Sandy Kerns

Motion was made by Mr. Patrizio, seconded by Mr. Murray to excuse Mr. Henthorn from the November 27, 2012 Board of Zoning Appeals Meeting.

Voice vote, Aye: Mr. Reindel, Mr. Murray, Mr. Taylor, and Mr. Patrizio. Nay: None.

OLD BUSINESS

MEETING MINUTES

Approval of the September 25, 2012 Board of Zoning Appeals Amended minutes. Moved by Mr. Patrizio, seconded by Mr. Murray. Roll call, Aye; Mr. Reindel, Mr. Murray, Mr. Taylor, and Mr. Patrizio. Motion carried on a 4-0 vote. Amended Minutes were approved.

NEW BUSINESS

Resolution BZA 12-12

A resolution requesting a variance to exceed the 35 feet maximum height standard in the R-3 Multi-family Zoning District to allow the construction of a structure to be located at the corner of Park and Nicklin Avenue

Mr. Schmiesing stated Resolution No. 12-12 addresses the building of the new Intermediate School at the old Piqua Memorial Hospital site.
Mr. Schmiesing presented Staff comments explaining the applicant has applied for a variance for an increase in the maximum height allowance

Curt South, of Fanning Howey Associates, Inc. gave a brief explanation on the request for the variance at this location. Mr. South explained the new school building will exceed the maximum height of 35' as referenced in code section 154.356 (G1). The plans for the new school are to have a three story building and the height as stated in the plans for the new school is 45', requiring the request for the variance at this time.

There was further discussion regarding the height restrictions with Mr. Schmiesing explaining the code standards.

PUBLIC COMMENT

Ron Cool, 631 Park Ave. came forward stating he did not have any questions or concerns about the size of the new school building, further stating he believes the new school will be a significant improvement to the neighborhood Mr. Cool stated he has lived across the street from the old hospital site for over twenty-five years now and is looking forward to the new school building.

After a brief discussion all Board members present were in agreement to grant the variance at this time based on staff comments, hearing comments from the contractor for the applicant, the Piqua Board of Education, and Mr. Cool. Moved by Mr. Patrizio, seconded by Mr. Murray to approve the variance as requested. Roll call, Aye: Mr. Reindel, Aye; Mr. Patrizio, Aye; Mr. Murray, Aye; and Mr. Taylor Aye; Nay: None.

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

2. Resolution BZA 13-12

A Resolution requesting a variance to the requirement of two foot candles of light at the parking lot surface to allow one foot candle lights in the parking lot at the corner of Park & Nicklin Avenue

Chris Schmiesing explained Resolution No. BZA 13-12 and BZA 14-12 are requesting the same type of variance for lighting in the parking lots at the two new school buildings. Mr. Schmiesing read the code requirements, and stated both of the locations are in residential areas, and the lighting requested would not be offensive to any of the surrounding neighbors.
Several questions were raised concerning the new code standards, the parking lot sizes, the type of lighting currently at the school site and, if the lights at the new parking lot on Park Avenue would be a different style.

Mr. Reindel asked if the representative for the applicant was in agreement with the information that was provided at the meeting. Mr. South stated he was in agreement with the BZA Board comments at this time.

After a brief discussion all Board members present were in agreement to grant the variance at this time based on staff comments heard and comments from the contractor for Piqua Board of Education.

Moved by Mr. Patrizio, seconded by Mr. Taylor, to approve the variance as requested. Roll call, Aye: Mr. Reindel, Aye; Mr. Patrizio, Aye; Mr. Murray, Aye; Mr. Taylor Aye; Nay: None.

A roll call vote was taken and Resolution No. BZA 13-12 was approved with a vote of 4-0.

3. Resolution BZA 14-12

A Resolution requesting a variance to the requirement of two foot candles of light at the parking lot surface to allow one foot candle lights in the parking lot located at 800 N. Sunset Drive

Mr. Schmiesing's staff report is the same as the previous Resolution BZA 13-14.

All Board members present were in agreement to grant the variance at this time based on staff comments heard previously, and hearing the previous comments from the contractor for Piqua Board of Education.

Moved by Mr. Patrizio, seconded by Mr. Murray to approve the variance as requested. Roll call, Aye: Mr. Reindel, Aye; Mr. Patrizio, Aye; Mr. Murray, Aye; Mr. Taylor Aye; Nay: None.

4. Resolution BZA 15-12

A Resolution requesting a variance to the maximum setback regulations for existing building improvements subsequent to the proposed replat of certain lot lines

Mr. Schmiesing presented Staff comments regarding the replat stating the Applicant has applied for a variance to allow for a reduction in
the requirements to the proposed enlargement of an existing parcel at the corner of Roosevelt and Young Street. This is currently zoned Industrial adjacent to what was once the Railroad Spur Line that ran along Commercial Street. The subject property is made up of multiple or parts of lots that combined together make up the overall tract. The applicant would like to retire and would like to replat these lots into two separate parcels. One parcel would consist of bits and pieces of parcels that currently exist into one tract that includes all of the existing structures, less the newer pole barn building. The pole barn building would remain on a separate parcel and the current property owner would retain it for his personal use. The need for the variance relates to the existing improvements that occupy the site now that does not have the required setback for that zoning district. Mr. Schmiesing further explained, and recommended the variance at this time.

Several questions were raised concerning the current buildings on the lots, and the intent of the property owner of their use. This is something that is just being done on paper, lines are being moved, and all new uses will be subject to the Zoning Standards, stated Mr. Schmiesing.

Steve King, 323 Finewood, the applicant came forward giving a brief overview of his plans, further stating this is just a formality he needs to go through to get it recorded.

After discussion of the information provided all board members were in agreement to approve the variance. Moved by Mr. Patrizio, seconded by Mr. Murray to adopt Resolution BZA 15-12. Roll call vote, Mr. Reindel, Aye; Mr. Patrizio, Aye; Mr. Murray, Aye; and Mr. Taylor, Aye. Nay, None.

OTHER BUSINESS

A question was raised concerning the Paul Sherry sign as to why it was not a zoning request rather than an Ordinance change in the Ordinance? Mr. Schmiesing explained there was more than one issue concerning the existing sign and further explained.

ADJOURNMENT

With no other business before the Board, a motion was made by Mr. Patrizio, seconded by Mr. Murray. With all those present in favor the meeting was adjourned at 6:45 P.M.
RESOLUTION BZA 01-13

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 2013 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 2013 calendar year.

FOR CHAIR

AYE  NAY  ABSTAIN  ABSENT

Mr. Steve Reindel
Mr. Mike Taylor
Mr. Skip Murray
Mr. Dan Patrizio
Mr. Dan Henthorn

FOR VICE CHAIR

AYE  NAY  ABSTAIN  ABSENT

Mr. Steve Reindel
Mr. Mike Taylor
Mr. Skip Murray
Mr. Daniel Patrizio
Mr. Dan Henthorn
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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<tr>
<th>Board Member</th>
<th>Chair</th>
<th>Vice-Chair</th>
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<tr>
<td>Mr. Steve Reindel</td>
<td>YES</td>
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<td>Mr. Mike Taylor</td>
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<td>Mr. Skip Murray</td>
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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 02-13

WHEREAS, Shirley Herron, 905 Covington Avenue, in the City of Piqua, Ohio, being in a district zoned R-1 (Residential), has filed a petition for a variance to allow the placement of a swimming pool in a front yard area of the property located at 905 Covington Avenue.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.129 (A) (1) (a) establishes that:

154.129 SWIMMING POOLS, SPAS AND HOT TUBS

(A) A private residential swimming pool, spa, or hot tub may be permitted as an accessory structure to a single-family, two-family, or three-family dwelling unit principal use in accordance with the following standards:

(1) Location

(a) A swimming pool, spa, or hot tub may be constructed or placed on a lot occupied by the principal use to which the structure will be accessory provided the swimming pool, spa, or hot tub is located in the rear yard.

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

o Is necessary to permit the owner a reasonable use of the land.
 o Is justified due to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned.
 o Will constitute a change in the district map.
 o Will impair an adequate supply of light and air to adjacent property.
 o Will increase the congestion in public streets.
 o Will increase the public danger of fire and safety.
 o Will materially diminish or impair established property values within the surrounding area.
 o 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: Shirley Herron
APPLICANT ADDRESS: 905 Covington Ave
CITY: Piqua
STATE: Ohio
ZIP: 45356
PHONE: (937) 541-1494
LEGAL INTEREST OF APPLICANT: Owner of property

OWNER NAME: Mark & Shirley Herron
BUSINESS NAME:
OWNER ADDRESS:
CITY: STATE: ZIP:
PHONE: (______) ______-______

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS: 905 Covington Ave
CITY: Piqua
STATE: Ohio
ZIP: 45356
LOT NUMBER: ZONING DESIGNATION:

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:
Placement of pool in yard not driveway or back of house.

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: __________________________ DATE: 5/22/13

SIGNATURE OF APPLICANT: __________________________ DATE: 5/22/13

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

$25.00 FEE PAID - 25.00 RECEIVED BY: B Cool

RECEIPT No. - 206762 DATE - 5/22/13
STAFF REPORT

Date: May 22, 2013
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 905 Covington Avenue Area Variance

GENERAL INFORMATION

Location: 905 Covington Avenue
Zoning: R-1 (One Family Residential)
Request: Authorization of a variance to allow a swimming pool in a front yard area.

DISCUSSION/FINDINGS

The proposed variance if approved will provide an exception to the location requirements for a swimming pool to allow the swimming pool to be located in a portion of a front yard area on a corner lot street frontage, the grade of said yard area being elevated considerably higher than the street grade.

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 prior use of this yard area and would not alter the general use characteristics of the premises or neighborhood concerned.*

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 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

The proposed placement of the swimming pool in the subject front yard area will essentially place the pool in an area that is adjacent to the rear of the house albeit in a front yard by definition. Considering the proposed pool location falls within the allowable building envelope for a principal structure, and is in a location that is situated on ground that has a much higher elevation than the street grade, 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 difficult to remedy 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.
May 22, 2013

*** 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.

TIME: 6:00 P.M.
DATE: Tuesday, May 28, 2013
LOCATION: Commission Chambers, 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 this office.

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

Christopher W. Schmiesing
City Planner
<table>
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<tr>
<th>RESOLUTION</th>
<th>NAME</th>
<th>MAILING ADDRESS</th>
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<td>Mark Herron</td>
<td>905 Covington Avenue</td>
<td>Piqua, OH 45356</td>
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<td>BZA 2-13</td>
<td>Pique Apostolic Temple</td>
<td>900 Covington Avenue</td>
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<td>BZA 2-13</td>
<td>Robert Fiby</td>
<td>828 Covington Avenue</td>
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<td>BZA 2-13</td>
<td>Reva Thompson</td>
<td>902 Covington Avenue</td>
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<td>Joseph Hilibear</td>
<td>904 Covington Avenue</td>
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<td>BZA 2-13</td>
<td>Curt Weismeyer</td>
<td>820 Covington Avenue</td>
<td>Piqua, OH 45356</td>
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<td>BZA 2-13</td>
<td>Merrill Warren</td>
<td>913 Covington Avenue</td>
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<td>BZA 2-13</td>
<td>Thomas Westfall</td>
<td>203 Uspay Drive</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 2-13</td>
<td>Timothy Lawrence</td>
<td>205 Uspay Drive</td>
<td>Piqua, OH 45356</td>
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<td>BZA 2-13</td>
<td>Ida Simmons</td>
<td>207 Uspay Drive</td>
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<tr>
<td>BZA 2-13</td>
<td>Thomas Gates</td>
<td>204 Uspay Drive</td>
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Entire Packet To: GARY HUFF EMAIL
AGENDA PACKET TO: CHRIS SCHMIESING EMAIL

EGOV-MEETING NOT
CHRIS BOEKE EMAIL
CITY COMMISSION EMAIL
DEAN BURCH EMAIL
DEBBIE STEIN EMAIL
AMY WELKER 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 HOMEBUILDERS ASSO EMAIL