BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. – JUNE 25, 2013
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS – 201 W. WATER STREET

CALL TO ORDER
ROLL CALL
MEETING MINUTES May 28, 2012

OLD BUSINESS Tabled May 28-2013

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

NEW BUSINESS

1. Resolution 03-13 A resolution requesting a setback variance for a building located at 1502 S. Main Street.

OTHER BUSINESS

ADJOURNMENT
CALL TO ORDER

At 6:00 Acting Chairperson Mr. Dan Patrizio called the meeting to order. The Acting 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: Mike Taylor, Skip Murray and Dan Patrizio.
Members Absent: Dan Henthorn, Steve Reindel
Staff Members: Chris Schmiesing, and Becky Cool,

Attendees: Shirley Herron

Motion was made by Mr. Murray, seconded by Mr. Taylor to excuse Mr. Henthorn and Mr. Reindel from the May 28, 2013 Board of Zoning Appeals Meeting. Voice vote, Aye: Mr. Murray, Mr. Taylor, and Mr. Patrizio. Nay: None.

OLD BUSINESS

None

MEETING MINUTES

Approval of the November 27, 2012 Board of Zoning Appeals minutes. Moved by Mr. Taylor, seconded by Mr. Murray. Roll call, Aye; Mr. Murray, Mr. Taylor, and Mr. Patrizio. Motion carried on a 3-0 vote. Minutes were approved.

NEW BUSINESS

1. Resolution BZA 01-13

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2013 calendar year

Due to the absence of Mr. Reindel and Mr. Henthorn it was moved by Mr. Taylor and seconded by Mr. Murray to table Resolution BZA 01-13 until the next BZA Meeting on June 25, 2013. Voice vote: Mr. Taylor, Aye; Mr. Murray, Aye; and Mr. Patrizio, Aye. Nay: None.
2. Resolution BZA 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.

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

There were several questions raised regarding the size of the pool, if a fence was required, and the location of the pool in the side yard.

Shirley Herron, 905 Covington Avenue, Applicant came forward and provided a brief overview of her plans for the location of the swimming pool, also providing pictures of her yard showing where the pool will be located. Ms. Herron stated the swimming pool is 52” and has a removable ladder, and will not be seen from Covington Avenue. Ms. Herron stated she has spoken with her neighbors and has not received any objections 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 applicant.

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

OTHER BUSINESS

None

ADJOURNMENT

With no other business before the Board, a motion was made by Mr. Murray, seconded by Mr. Taylor. With all those present in favor the meeting was adjourned at 6:20 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 [Name] as the Chairman and [Name] 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 [Name] hereby moves to nominate [Name] as Chairperson. The motion was seconded by [Name] and the vote was [Result] as recorded below. [Name] will serve as Chairperson for the 2013 calendar year.

NOW THEREFORE BE IT RESOLVED, board member [Name] hereby moves to nominate [Name] as Vice Chairperson. The motion was seconded by [Name] and the vote was [Result] as recorded below. [Name] 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. Dar 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 serving as vice-chairperson, and you will respond again.

   Declaration of candidacy.

   Board Member          Chair        Vice-Chair
                      YES    NO    YES    NO

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

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 03-13

WHEREAS, William Coomer, owner of Aesthetic Finishers Inc. 1502 S. Main Street in the City of Piqua, Ohio, being in a district zoned I-2 Heavy Industrial, has filed a petition to variance the minimum rear yard setback regulations to allow a building addition to come within 10 feet of the rear lot line.

WHEREAS, the City of Piqua Code of Ordinances section 154.028 (G) (1) establishes:

(G) Height and area regulations. The maximum height and minimum lot requirements within the I-2 Heavy Industrial District shall be as follows.

(1) General requirements within this District shall be as follows.

<table>
<thead>
<tr>
<th>Minimum lot area</th>
<th>None</th>
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<tbody>
<tr>
<td>Minimum lot frontage</td>
<td>None</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>15 feet or 30 feet if abutting an alley.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>40 feet</td>
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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 _______ the variance request and the motion was seconded by _______ and the Board of Zoning Appeals recorded the following vote affirming or rejecting the motioned action.
<table>
<thead>
<tr>
<th>Name</th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Mr. Steve Reindel</td>
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<tr>
<td>Mr. Dan Patrizio</td>
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<tr>
<td>Mr. Skip Murray</td>
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<td>Mr. Mike Taylor</td>
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APPLICATION REQUESTING A ZONING VARIANCE

APPLICANT NAME: AESTHETIC FINISHERS INC
APPLICANT ADDRESS: 1502 S. MAIN ST.
CITY: PIQUA STATE: OH ZIP: 45356
PHONE: (937) 778 - 8777

LEGAL INTEREST OF APPLICANT

OWNER NAME: WILLIAM COOPER
BUSINESS NAME: AESTHETIC FINISHERS INC
OWNER ADDRESS: 8798 LONG RD.
CITY: Versailles STATE: OH ZIP: 45380
PHONE: (937) 526 - 5576

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED

STREET ADDRESS: 1502 S. MAIN ST.
CITY: PIQUA STATE: OH ZIP: 45356
LOT NUMBER: ZONING DESIGNATION: F-2

TYPE OF VARIANCE BEING REQUESTED - (CIRCLE ONE)
- ZONING - OR - SIGN

- CHECK ALL BOXES THAT APPLY -

□ ZONING ENFORCEMENT APPEAL
□ SPECIAL DRIVEWAY
□ HEIGHT VARIANCE
□ SITEPACK VARIANCE

□ AREA VARIANCE
□ PARKING VARIANCE
□ ZONING MAP BOUNDARY LINE
□ OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST
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: WILLIAM COOPER
DATE: 6/11/13

SIGNATURE OF APPLICANT
DATE

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

$25.00 FEE PAID - ✓ RECEIVED BY - CS

RECEIPT No.: DATE: 6-11-2013
Date: June 11, 2013
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner

GENERAL INFORMATION
Location: 1502 S. Main Street
Zoning: I-2 (Heavy Industrial)
Request: Setback variance to allow for building addition

DISCUSSION/FINDINGS
The proposed variance if approved will provide an exception to the setback requirements to allow a building addition to come within 10 feet of the rear lot line. The required minimum rear yard setback in this district is 15 feet. The exception requested is to allow the business to expand an existing process line that cannot be relocated or extended in the other direction.

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: A 20 foot wide utility easement along this length of the building will insure that the proposed improvements will not be situated unreasonable close to any future improvements on the neighboring lot and the improvements 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 5 foot reduction in the rear yard setback at the subject property will not be discernible to most and is very unlikely to have an adverse effect on any of the surrounding properties. The building addition as proposed is necessary to support the expansion of a production process and absent the setback variance the expansion cannot occur. Therefore, 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.
*** 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, June 25, 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>
<thead>
<tr>
<th>RESOLUTION</th>
<th>NAME</th>
<th>MAILING ADDRESS</th>
<th>CITY STATE ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA 3-13</td>
<td>William Coomer</td>
<td>1502 S. Main Street</td>
<td>Piqua, OH 45356</td>
</tr>
<tr>
<td>BZA 3-13</td>
<td>Kenneth Bricker</td>
<td>1500 S. Main Street</td>
<td>Piqua, OH 45356</td>
</tr>
<tr>
<td>BZA 3-13</td>
<td>Timothy Baker</td>
<td>1612 S. Main Street</td>
<td>Piqua, OH 45356</td>
</tr>
<tr>
<td>BZA 3-13</td>
<td>Sherry Development Inc.</td>
<td>P. O. Box 742</td>
<td>Piqua, OH 45356</td>
</tr>
<tr>
<td>BZA 3-13</td>
<td>Nitto Denko Automotive Ohio Inc.</td>
<td>P. O. Box 740</td>
<td>Piqua, OH 45356</td>
</tr>
<tr>
<td>BZA 3-13</td>
<td>Margaret Shock</td>
<td>2033 W. Ziegler Rd.</td>
<td>Piqua, OH 45356</td>
</tr>
</tbody>
</table>

Entire Packet To:
- BOARD OF ZONING APPEALS [EMAIL]
- GARY HUFF [EMAIL]
- AGENDA PACKET TO: [EMAIL]

EGOV-MTG. NOTICE:
- AMY WELKER [EMAIL]
- 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]
- WPTV [EMAIL]
- PIQUA CHANNEL 5 [EMAIL]
- MIAMI COUNTY HOMEBUILDERS ASSOC [EMAIL]