BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - NOVEMBER 24, 2015
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

MEETING MINUTES

September 22, 2015

NEW BUSINESS

Resolution No.04-15
A Resolution requesting a variance on the area requirements for a private garage accessory structure located at 306 Linden Avenue

Resolution No.05-15
A Resolution appealing the enforcing officials decision regarding the construction of a new fence, and the construction of a driveway with a gravel surface in the front yard located at 523 Weber Street

ADJOURNMENT
CALL TO ORDER
At 6:00 Vice Chairperson Skip Murray 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: Mark Spoltman, Skip Murray, Dustin Davis, Earl Slater
Members Absent: None
Staff Members: Chris Schmiesing, Becky Cool

Attendees: Mike and Bonnie Davis, Applicants

MEETING MINUTES
Approval of the March 24, 2015 Board of Zoning Appeals minutes. Moved by Mr. Slater, seconded by Mr. Spoltman. Roll call, Aye: Spoltman, Murray, Davis, and Slater. Nay: None. Motion carried on a roll call vote 4-0 vote in support of the motion. Minutes were approved.

NEW BUSINESS
Resolution No. BZA 03-15
A Resolution requesting a variance to place a 10’ x 14’ shed in the side yard of his property located at 1512 Echo Lake Drive

Dustin Davis asked to be excused from the meeting at this time due to his relationship with the applicant.

City Planner Chris Schmiesing presented the Staff Report.

This is a request by the applicant to place a 10’ x 14’ storage shed in the side yard of his property. The placement of the shed would be by definition in the Zoning Code a side yard. The accessory building provisions in the Zoning Code allow for that type of structure to be located in a rear yard, and only in the side yard if attached to the house or by the way of a breezeway. This would be in conflict of the code. This is a densely wooded lot, with a significant change in the grade in rear of the property, thus the request for the side yard placement of the shed. Staff will concur this is an exception to the Zoning Code at this time.
Mr. Spoltman asked Mr. Schmiesing for the definition of the side yard. Mr. Schmiesing provided the definition.

Mr. Murray asked if there were any other sheds in the area? Mr. Schmiesing stated yes, and explained.

Mr. Slater stated he drove by the property stating it is a very well maintained, and he is in favor of the request at this time.

Mr. Spoltman asked if the shed would be behind the trees.

Applicant Mike Davis came forward and provided additional information regarding the location of the shed. Mrs. Davis came forward and provided a larger view of the property with the location of the shed, and presented it to the Board members for review. Mrs. Davis explained that you will only be able to see the front of the shed from the street, and the siding and shingles will match the house.

PUBLIC COMMENT

No one came forward to speak for or against the resolution.

After discussion all Board members in attendance were in agreement to approve the variance.

Mr. Slater motioned to approve the variance request as submitted and Mr. Spoltman seconded the motion. Roll call vote on the motion resulted in Mr. Spoltman, Mr. Murray, and Mr. Slater voting Aye in support of the motion. The resolution was approved by a 3-0 vote.

Mr. Davis returned to the meeting.

Mr. Slater moved to appoint Skip Murray as Chairman of the Board of Zoning Appeals due to the recent resignation of Chairman Steve Reindel. Mr. Spoltman seconded the motion at this time. Roll call, Mr. Slater, Mr. Davis, and Mr. Spoltman. Mr. Murray abstained.

Moved by Mr. Davis, seconded by Mr. Spoltman to appoint Earl Slater as Vice Chairman of the Board of Zoning Appeals. Roll call, Aye: Mr. Davis, Mr. Spoltman, and Mr. Murray. Mr. Slater abstained. Nay: None.

ADJOURNMENT

With no other business before the Board, a motion was made by Mr. Spoltman, seconded by Mr. Slater. With all those present in favor the meeting was adjourned at 6:20 P.M.
RESOLUTION No. BZA 04-15

WHEREAS, John Grunkemeyer, owner of 306 Linden Avenue, in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to variance the area requirements for a private garage accessory structure.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.121 (B)(1) establishes that:

§ 154.121 ACCESSORY BUILDINGS

(B) Accessory buildings accessory to a residential use, including private garages permitted as a special use, shall conform to the following:

(3) Area. An accessory building shall be permitted a ground floor level gross floor area up to 720 square feet and the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the gross floor area of the ground floor level of the principal structure to which it is accessory or 50% of the gross area of the rear yard; or, in the event there is no principal structure on the same lot, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots or 50% of the gross area of the rear yard, unless the accessory building is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, in which case, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots or 50% of the gross area of the subject lot.

WHEREAS, the proposed private garage accessory structure has an area of 960 square feet; and,

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.
RESOLUTION NO. BZA 04-15

☐ 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 area requirements for a private garage accessory structure to be constructed on the property located at 306 Linden Avenue, Piqua, Ohio. The motion was seconded by ____________ and the request was approve/deny with a vote of ___ as recorded below.

Mr. Mark Spoltman
Mr. Skip Murray
Mr. Mr. Dustin Davis
Mr. Earl Slater
Mr. David Fishback

Aye    Nay   Abstain   Absent
BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

- PLEASE TYPE OR PRINT -

APPLICANT NAME: John L. Crunkemeyer Jr.
APPLICANT ADDRESS: 306 Linden Ave
CITY: Piqua
STATE: OH
ZIP: 45356
PHONE: (937) 606-4371
LEGAL INTEREST OF APPLICANT: Home Owner

OWNER NAME: John L. Crunkemeyer Jr.
BUSINESS NAME:
OWNER ADDRESS: 306 Linden Ave
CITY: Piqua
STATE: OH
ZIP: 45356
PHONE: (937) 606-4371

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS: 306 Linden 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
  ☐ AREA VARIANCE
  ☐ HEIGHT VARIANCE
  ☐ PARKING VARIANCE
  ☐ SETBACK VARIANCE
  ☐ OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST: Expanding Garage Beyond

LEGAL SIZE

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: 11-5-15

SIGNATURE OF APPLICANT: 
DATE: 11-5-15

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

**$25.00 FEE PAID - 25.00 RECEIVED BY - B. COOP**

RECEIPT No.: 215925
DATE: 11-9-15
RESOLUTION No. BZA 05-15

WHEREAS, Laura Elaine Anderson, property owner of 523 Weber Street the subject parcel in the City of Piqua, Ohio, being in a district zoned R-1 (One-Family Residential District), is appealing the enforcing officials decision regarding the construction of a new fence, and the construction of a driveway with a gravel surface in the front yard.

WHEREAS, the City of Piqua Zoning Code Section 154.123 (B) Fences

(B) Plantings, fences, and walls in front yard. No fence, wall, or hedge shall rise over 42 inches in height on any required front yard, except as otherwise provided in the lot and area requirements for specific districts. No fence, wall, or hedge planning shall interfere with visibility from a driveway or public right-of-way. The enforcing officer is empowered to cause all obstructions to be removed in the interest of public safety.

And Piqua Zoning Code Section 154.081 General Regulations (J)

(J) All parking lots, parking spaces, and driveways shall be surfaced with a bituminous or portland cement concrete pavement or other similar dust free material deemed equal by the enforcing official, except for parking lots, parking spaces, or driveways located in the rear yard of a residential use located in a residential district, in which case the parking lot, parking space, or driveway may be surfaced with an aggregate material. The pavement composition of all parking lots, parking spaces, and driveways shall be designed to a strength and thickness adequate to support the anticipated traffic loads, with all pavement design subject to the approval of the City Engineer. All parking lots, parking spaces, and driveways shall be constructed to the following

☐ Is necessary to permit the owner a reasonable use of the land.
☐ Is justified to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned.
☐ Will not constitute a change in the district map.
☐ Will not impair an adequate supply of light and air to adjacent property.
☐ Will not increase the congestion in public streets.
☐ Will not increase the public danger of fire and safety.
☐ Will not materially diminish or impair established property values within the surrounding area.
☐ Will not 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 located at 523 Weber Street, Piqua, Ohio. The motion was seconded by __________ and the request was approved/denied with a vote of __________ as recorded below.

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<th></th>
<th>Aye</th>
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<th>Abstain</th>
<th>Absent</th>
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<tr>
<td>Mr. Mark Spoltman</td>
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<td>Mr. David Fishback</td>
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November 4, 2015

ANDERSON LAURA ELAINE
523 WEBER STREET
PIQUA, OH 45356

RE: 523 WEBER STREET, PIQUA, OHIO – PARCEL N44-021700

Dear Ms. Anderson:

It has been observed by this office that a fence and a driveway are being constructed at the above referenced property. Please note that all parcels located within the city of Piqua are subject to local zoning standards adopted by the community. The zoning designation of the subject property is R-1 One-Family Residential District.

Be advised, the installation of a fence that is greater than 42” in height is not permissible in a front yard. In addition, the construction of a driveway with a gravel surface is not permissible in a front yard. The construction or alteration of site improvements require the issuance of a zoning permit prior to the improvement being altered or constructed to ensure the proposed improvements will conform to the applicable adopted community standards. With reference to the aforementioned items, no permit request has been filed with this office. Each of the aforementioned items at the subject property constitutes a violation of the City of Piqua Zoning Regulations. The purpose of this letter is to call these concerns to your attention and to respectfully request that the conditions resulting in the aforementioned violations of the City of Piqua Code of Ordinances immediately cease and desist and be restored to the prior conditions found at this location, or the proper permits be secured and the improvements be brought into conformance with the applicable standards.

The adopted community standards cited in this communication may be viewed online at http://piquaoh.org/city-government/charter-and-ordinances/ or by visiting the City of Piqua offices at the address listed above during regular business hours. You may also contact this office by phone with any questions concerning this notice.

Your prompt attention and cooperation in resolving this matter in the manner requested will result in no further action concerning this matter being unnecessary.

Dutifully,

[Signature]

Christopher W. Schmiesing
City Planner
c: Stacy Wall, Law Director
Amy Havenar, City Engineer
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<thead>
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<th>RESOLUTION</th>
<th>NAME</th>
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<td>BZA 4-15</td>
<td>John Cranley</td>
<td>306 Linden Avenue</td>
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<td>Dorothy Black</td>
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<td>Debra Hall</td>
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<td>James Jacobs</td>
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<td>BZA 5-15</td>
<td>Laura Anderson</td>
<td>523 Weber Street</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 5-15</td>
<td>WaterFowl - Works LLC</td>
<td>39 W. Statler Rd</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 5-15</td>
<td>Viola Deal</td>
<td>1220 Washington Avenue</td>
<td>Piqua, OH 45356</td>
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<td>Edwin Liette</td>
<td>9300 Country Club Rd.</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 5-15</td>
<td>Keith Jessup Sr.</td>
<td>516 6th Street</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 5-15</td>
<td>Gladys Roth</td>
<td>520 Orr Street</td>
<td>Piqua, OH 45356</td>
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<tr>
<td>BZA 5-15</td>
<td>John Rosati</td>
<td>1621 Grant Ave. Suite 401</td>
<td>San Francisco, CA 94133</td>
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</table>

Entire Packet To: BOARD OF ZONING APPEALS EMAIL
AGENDA PACKET TO: CHRIS SCHMIESING EMAIL
EGOV-MEETING NOTI: AMY WELKER EMAIL
CHRIS BOEKE EMAIL
GARY HUFF 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 6 EMAIL
MIAMI COUNTY HOMEBUILDERS ASSOC EMAIL
November 13, 2015

*** 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: 6:00PM
DATE: Tuesday, November 24, 2015
LOCATION: Commission Chambers – 2nd Floor
Municipal Government Complex
201 W. Water Street

This letter serves to notify those persons who may have an interest in an agenda item to be discussed at this meeting. View the Board of Zoning Appeals packet in its entirety online at http://www.piquaoh.org/agendazoningbd.htm or by visiting the Development Office.

This is your opportunity to speak in favor of, or object to, an item to be considered. If you desire to state your opinion concerning this matter and will be 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 notice.

Christopher W. Schmiesing
City Planner
Enc.