BOARD OF ZONING APPEALS  
CITY OF PIQUA, OHIO  
6:00 P.M. OCTOBER 24, 2017  
MUNICIPAL GOVERNMENT COMPLEX  
COMMISSION CHAMBERS - 201 W. WATER STREET  

CALL TO ORDER  

ROLL CALL  

MEETING MINUTES  
Minutes of BZA Meeting of June 27, 2017  

NEW BUSINESS  

Resolution No.7-17  
A Resolution requesting a variance to increase the maximum driveway width at the property located at 320 Short Drive  

ADJOURNMENT
RESOLUTION NO. BZA 07-17

WHEREAS, Rob Alexander, on behalf of Indian Ridge Builders, and the home owners Brett and Julia Davis, property being located at 320 Short Drive in the City of Piqua, Ohio, being in a district zoned R-1 (One-Family Residential) has filed a variance to increase the maximum twenty-four (24’) foot driveway width allowed for a One-Family Residential home to a width of up to thirty-two (32’) to thirty-four (34’) feet.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.081 (H) General Regulations, establishes that:

154.081 (H) General Regulations

In any district a driveway may be located in a required front or rear yard of a premise to provide a suitable means of egress directly from and to a public street, alley, or highway. The minimum and maximum widths of driveways serving the use types in the following use categories shall be as set forth below.

Agriculture and Residential uses Minimum Width 10 feet and Maximum Width 24 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 as described herein and by the testimony provided, and the motion was seconded by ________________ and the Board of Zoning Appeals acted as follows:

<table>
<thead>
<tr>
<th>Mr. Gary Koenig</th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Skip Murray</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Dustin Davis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Earl Slater</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. David Fishback</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CALL TO ORDER
At 6:00 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: Gary Koenig, Skip Murray, Earl Slater, Dustin Davis
Members Absent: David Fishback
Staff Members: Chris Schmiesing, Becky Cool

MEETING MINUTES
Approval of the minutes of April 25, 2017 Board of Zoning Appeals Meeting. Moved by Mr. Slater, seconded by Mr. Davis. Roll call, Aye: Mr. Koenig, Mr. Murray, Mr. Davis, and Mr. Slater. Nay: None. Motion carried on a Roll Call 4-0 vote in support of the motion. Minutes were approved.

NEW BUSINESS
Chairman Murray stated for the record, Resolution BZA 5-17 has been removed from the current agenda of the June 27, 2017, Board of Zoning Appeals Meeting at this time.

Resolution No. BZA 5-17
A Resolution requesting a variance to reduce the minimum front yard setback in an R-1A One-Family Residential District to allow the construction of a 16’ x 22’ attached garage to be located at 2325 Whitetail Lane.

City Planner Chris Schmiesing provided the Staff Report.

The applicant is requesting to add a carport to the rear of the principal structure, and because it is an addition to the principal structure it is subject those setback requirements. This is a nonstandard lot and does not have the dimensions that the code would require if plotted from scratch. The setback would be fifteen feet (15’) and the applicant is asking for seven feet (7’). If you look at the surrounding lots they are pretty densely developed, so what has been requested is somewhat peculiar and unique to this neighborhood and not found elsewhere.
Board members asked several questions concerning the location of the carport, if it would be attached to the house, and that this location is peculiar and unique. Mr. Schmiesing answered all questions.

Roy Hatten, applicant came forward and provided additional information regarding his request to build the attached carport.

Board members asked several questions concerning the roof. Mr. Hatten answered stating it will be a metal roof that will match the house and they will add additional concrete to be able to park two cars back to back.

Mr. Hatten stated he needed to make a technical correction to his request. The slope will be 1” for every 12’.

Public Comment

Gaye Cavender, 322 W. North Street, came forward and stated she lives next door to the applicant Mr. Hatten, and she does not have any objections to his request to add the carport.

Mr. Slater motioned to approve the variance request as submitted, and Mr. Davis seconded the motion. Roll call vote on the motion resulted in Mr. Koenig, Mr. Murray, Mr. Davis, Mr. Slater, voting aye in support of the motion. Nay, None. Resolution No. BZA 6-17 was approved by a 4-0 vote.

Other Business

None

Adjournment

With no other business before the Board, a motion was made and seconded to adjourn the meeting. With all those present in favor the meeting was adjourned at 6:15 P.M.
BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Rob Alexander - Indian Ridge Builders
APPLICANT ADDRESS 8380 Union-Shelby Road
CITY Piqua STATE OH ZIP 45356
PHONE (937) 418 - 0292
LEGAL INTEREST OF APPLICANT Builder of purchased home

OWNER NAME Rob Alexander-Indian Ridge Builders
BUSINESS NAME Indian Ridge Builders building for Ms. Dale Keist
OWNER ADDRESS 8380 Union-Shelby Road
CITY Piqua STATE OH ZIP 45356
PHONE (937) 418 - 0292

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 320 Short Drive
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER In Lot 5648 100 ZONING DESIGNATION Residential
N44-062290

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

-CHECK ALL BOXES THAT APPLY-
☐ ZONING ENFORCEMENT APPEAL ☐ AREA VARIANCE
☒ SPECIAL DRIVEWAY ☐ PARKING VARIANCE
☐ HEIGHT VARIANCE ☐ ZONING MAP BOUNDARY LINE
☐ SETBACK VARIANCE ☐ OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST attached documentation
Driveway width variance. See attached documentation

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 10/04/2017

SIGNATURE OF APPLICANT __________________________ DATE 10/04/2017

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

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

$25.00 FEE PAID - __________ RECEIVED BY - b. leal

RECEIPT No. - ______________ DATE - 10-10-17
320 Short Drive
Piqua

This request for a zoning variance is being submitted by Indian Ridge Builders represented by Rob Alexander on behalf of the home owners Brett and Julia Davis. The Davis's are having a new home constructed at 320 Short Drive off of High Street. This is the last undeveloped property located on Franz's Pond and will take advantage of this beautiful setting. The home is a nearly three thousand four hundred (3400) square foot ranch style home with a three car garage. This is the largest home to date in the immediate vicinity.

The request is to allow the driveway to be wider than the City of Piqua currently allows. The current maximum width at the sidewalk is twenty-four feet (24'). This request is to allow a driveway width of thirty-two (32') to thirty-four (34') feet.

This request is very similar to one we submitted and that you approved late last year (2016) for a home located at 2304 Navajo Trail in the Indian Ridge community.

This home is being constructed for the Davis's who are life time members of this community. The home is a single floor ranch design set up with two master suites to accommodate Julia Davis mother who may eventually reside with them. Mrs. Davis's mother is elderly and therefore this home is handicap accessible. Many of the design features of this home including the entrances, sidewalks and driveway allow for ease of access and safety.

The home features an eighteen foot (18') two-car garage door, which is a standard in Indian Ridge Builder's homes and wider than many homes that feature only a sixteen foot (16') garage door. This home also features a second nine foot (9') garage door that is flush with the front of the double garage door and is separated by a two foot (2'-0") dividing wall.

Another standard for Indian Ridge Builders is to pour the driveway at a width two feet (2') wider than the actual garage door width. This allows cars to be parked outside of the garage door on the driveway with occupants able to exit the vehicle without stepping off of the driveway.

We have found these features to be standards in homes of the nature and size we are currently developing in and around the Piqua area.

We have attempted to accommodate the regulated driveway width with the location and setting of the home and found it to be unacceptable to the home owner. With the depth of the home at seventy-four feet (74') and the required thirty-five foot (35') setback the rear of the home is only
forty feet (40') from the crest of the hill at the back of the property. This back (west) property line falls to the edge of Franz's Pond. The home location was set back as much as was feasible.

An additional note regarding this home is that it is located on a single one hundred foot (100') wide property. The home is located more than forty feet (40') from the south property line and more than thirty feet (30') from the home on the adjacent property to the north.

Also it is important to note that his home is near the end of the cul-de-sac on Short Drive. Since the property is at the end of the street, the additional driveway width will not impact others. We have included several graphical representations to show the location of this home.

A driveway of this width is not an abnormality in the City of Piqua. A variance of this nature can be seen in other similar communities within the City of Piqua. Refer to the included photo of One Osprey Court in Eagle's Nest. This driveway is thirty-six feet (36') wide and flares at the street to a width in excess of forty feet (40'). It is also important to observe that there are no city walk on this street.
We appreciate the need for regulated standards and we appreciate the zoning appeal process. In considering appeals and petition within its jurisdiction, the Board of Zoning Appeals must determine that the proposed change will not:

A. Constitute a change in the district map; Our request will not.
B. Impair an adequate supply of light and air to adjacent property; Our request will not.
C. Increase the congestion in public streets; Our request will not.
D. Materially diminish or impair established property values within the surrounding area; Our request will not. In fact, it will likely increase property values.
E. Impair the public health, safety, comfort, morals and welfare of the citizens of the city; Our request will not.

We also understand that there is case law that dictates variance standards for if a variance is justified by applying multiple tests. The tests include, but are not limited to:

A. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variances; We have explored numerous options ranging from attempting to narrow the driveway to the twenty-four foot (24') standard width to creating two separate driveways and a number of ideas in between. Visually, the options we have visited are unattractive to this home in this setting.
B. Whether the variance is substantial; In our opinion, the variance is not substantial. In fact, we have reviewed the ordinances of numerous surrounding communities in the past few days and have discovered that in many progressive communities where they are trying to attract homes of this nature they have amended their code to allow for thirty-two foot (32') (or larger) driveways when a three car garage is part of the plan. With that knowledge in hand we have also approached the City of Piqua City Planner to work with us to consider making a similar change to the ordinance here in Piqua. We are hopeful that in the not so distant future, there will not be a need to apply for a variance for this particular situation.
C. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment"; Again, homes of this nature and with these features have been being built over the past couple of years in and around the Piqua area. This particular home will be valued over four hundred fifty thousand dollars ($450,000.00). In addition, as previously mentioned, there are a number of driveways in the City of Piqua that are of similar size. We believe this request is consistent with other residences in the community.
D. Whether the variance would adversely affect the delivery of government services; Our request would not.
E. Whether the property owner purchased the property with the knowledge of the zoning restriction. The home buyer was aware of the regulation at the time their home was
contracted. Indian Ridge Builders also was aware of the regulation at the time of initiating this project. Based on our experience with a previous variance request in 2016 we felt confident that our request is reasonable.

F. Whether the problem can be solved by some manner other than the granting of a variance. To the letter of the law, this driveway can be installed per the ordinance but the result in unsightly, difficult to use and unacceptable to the home owner.

G. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance. I believe this is a key to this request. Based on the size of the property (100' wide) and the size and nature of this home the request is justified. Also when considering that a twenty-four foot (24′) driveway entrance on a smaller lot sometimes as narrow as forty (40) to fifty (50) feet it is proportionally consistent with the "spirit and intent" of the zoning requirement. Again, we believe this so much that we anticipate the City of Piqua adopting a code that will address three car garages and larger homes and properties.

Finally, we will address the thought of self-imposed or self-created hardships.

A. Preparation of plans and/or the construction of improvements contrary to the zoning ordinance. When the plans for this home were developed the regulation was known to the builder and the home buyer. There is not a purposeful attempt to challenge the regulation. There is however as previously stated a need to take a look at the common sense of the regulation in light of the Piqua community and the current building and real estate trends. Regulations that made sense in previous generations and settings sometimes need to be reviewed in light of the current circumstances. We believe this to be the case here. In a recent research outing we observed that much of the Eagles Nest development was implemented without city sidewalks. This allowed for more flexibility when it comes to driveway entrances in that it creates additional depth. We don't believe restricting driveways on homes of this scope with three car garages makes much sense in 2017 and in light of current building trends. It isn't a bad regulation, it simply doesn't fit every situation. As previously stated, we look forward to working with the city in proposed amendments to this regulation.

B. Division or rezoning of land that results in non-standard lot sizes necessitating a reduction in standards to allow for desired improvements. If anything, this is an improvement to the standards resulting in increased property values.
In conclusion, my wife and I are life-long members of the Piqua community and have a great deal of pride in our city. We have family and friends who live in our community and therefore we are highly vested in what happens there. We are people of integrity and believe we have a responsibility to those we work with to provide a quality product. We also believe in use local contractors and suppliers to help prosper our local community.

We also appreciate those who serve on this zoning board and the function it provides in our community. We appreciate that we all have a job to do but that our goals are common and when we work together much can be accomplished.

We do not believe our request for variance will negatively impact our community. In fact, we look forward to a day in the not so distant future when a variance for this circumstance will not be necessary.

Thank you for your time and attention to our request.

If you have any questions or would like to have a personal review of this property and the situation, please contact us at Rob: 937-418-0292 / ralexander@a-t-i.net or Julie: 937-418-0707 jalexander@a-t-i.net.

Rob & Julie Alexander
Indian Ridge Builders
320 Short Drive
Brett & Julia Davis

Sod
Seeded
Concrete
Landscape
Silt Fence
Dandy Drain

Erosion Control
- Driveway gravel installed at initiation of the project
- 34" silt fence buried 6" deep along curb on either side of driveway installed at initiation of the project
- Silt control to rear of property as it drains to Frantz’s Pond as do adjacent properties.
- Erosion control in front of property to remain in place until driveway with apron, city walk completed and sod is planted.
- Erosion control to rear of property (if required) will remain until grass seeded.
- All downspouts are connected to lines that feed into the storm lateral that runs just inside curb.
- Clean up of street from sediments off of vehicles will be completed within four hours.
- Dandy Drain around storm sewer catch basin

Grade 0" at curb height
Grade 20" above slab height & curb height
Grade 20" above slab height & curb height
Foundation 48" above left curb height
Foundation 48" above left curb height

Silt Fence 0"-24" inside of curb
Dandy Drain at catch basin
Garage Floor Grade 40" above left curb height 9" below top of foundation
Grade 10" below curb height at left side of property
<table>
<thead>
<tr>
<th>RESOLUTION</th>
<th>NAME</th>
<th>MAILING ADDRESS</th>
<th>CITY STATE ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA RES. 7-17</td>
<td>Indian Ridge Builders, Rob Alexander</td>
<td>8380 Union Shelby Rd.</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>Brett &amp; Julia Davis</td>
<td>319 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>Thomas &amp; Mary Staley</td>
<td>321 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>Richard Hill</td>
<td>322 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>Karen McNeil (TOD)</td>
<td>323 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>John &amp; D A DeBlase</td>
<td>317 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td>BZA RES. 7-17</td>
<td>Robert and Christine Schmidt</td>
<td>318 Short Drive</td>
<td>Piqua, Ohio 45356</td>
</tr>
<tr>
<td></td>
<td>DEAN BURCH</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DEBBIE STEIN</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GARY HUFF</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>JUSTIN SOMMER</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AARON MORRISON</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LORNA SWISHER</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MARTIN KIM</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>STACY WALL</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AMY HAVENAR</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BRUCE JAMISON</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PIQUA DAILY CALL</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DAYTON DAILY NEWS</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WPTW</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PIQUA CHANNEL 5</td>
<td>EMAIL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MIAMI COUNTY HOME BUILDERS ASSOCIAT</td>
<td>EMAIL</td>
<td></td>
</tr>
</tbody>
</table>
***** MEETING NOTICE *****

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

**TIME:** 5:30PM  
**DATE:** Tuesday, October 24, 2017  
**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](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.