



PLANNING AND ZONING

Kyrsten French
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049
E-Mail: kfrench@piquaoh.org

July 16th, 2021

*** MEETING NOTICE ***

Please be advised that the City of Piqua Board of Zoning Appeals meeting will be conducted on Tuesday, July 27, 2021 at 6:00 PM both in person and using a video conferencing application called Zoom. This application can be downloaded from your app store or be accessed through your browser at [Zoom.us](https://zoom.us).

Board members and staff members will attend the meeting in person, agenda item applicants are invited to attend the meeting in person.

Residents and others with interest in the agenda topics may also submit public comment on an item until noon on the day of the meeting by emailing Bethany Harp at bharp@piquaoh.org. Public comments submitted by the date/time noted will be presented to the Board of Zoning Appeals at the public hearing proceedings.

The full agenda packet may be accessed at <http://piquaoh.org/city-government/boards-and-committees/board-of-zoning-appeals/>.

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

A handwritten signature in blue ink that reads "Kyrsten French".

Kyrsten French
City Planner

Enc.

**BOARD OF ZONING APPEALS
CITY OF PIQUA, OHIO
6:00 P.M. JULY 27TH, 2021
MUNICIPAL GOVERNMENT COMPLEX COMMISSION CHAMBERS**

CALL TO ORDER

ROLL CALL

Clerk Calls the Roll

MEETING MINUTES

Minutes of BZA Meeting from May 25th, 2021

OLD BUSINESS

NEW BUSINESS

1. BZA 11-21

A Resolution nominating and electing the Board of Zoning Appeals Chair and the Vice Chair for the 2021 calendar year

2. BZA 12-21

A Resolution to consider a variance to construct an outdoor vehicle storage area with an aggregate material at 205 Hemm Road, zoned I2-Heavy Industrial

ADJOURNMENT

CITY OF PIQUA, OHIO
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TO ORDER

At approximately 6:00pm Acting Chair Wayde Davis called the meeting to order. The Introductory Statement of BZA Duties were outlined as well as the order of business to be followed. Meeting conduct procedures were reviewed and those in attendance were sworn in. All present were asked to stand and raise their right hand. The Chairman administered an oath to all 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 present stood and took the oath to tell the truth with all persons present stating "I do".

Wayde introduced the newest member of the Board of Zoning Appeals, Wayne Davey.

ROLL CALL

Members Present: Skip Murray, Joe Wilson, April Dankworth, Wayde Davis

Absent: David Fishback

MEETING MINUTES

Approval of the minutes of February 23, 2021 Board of Zoning Appeals Meeting minutes were approved by voice vote.

NEW BUSINESS

RESOLUTION BZA 03-21

A Resolution nominating and electing the Board of Zoning Appeals Chair and the Vice Chair for the 2021 calendar year

The board deliberated and decided to table this item because the full board was not present. Joe Wilson made a motion to table resolution BZA 3-21 and April Dankworth seconded the motion.

After no further public comment or deliberation, a motion was made by Joe Wilson to table Resolution BZA 03-21 and seconded by April Dankworth. Resolution BZA 03-21 was tabled with a 4-0 vote.

RESOLUTION BZA 04-21

A Resolution to consider a variance for a driveway at a new residential construction 2904 Nadene Drive Kyrsten French, City Planner provided the staff report.

Kyrsten noted that the applicant, Indian Ridge Builders, has requested a variance to build a driveway for a new residence to 35' and 3", beyond the 24' maximum driveway width allowed for a residential site. Piqua has a variety of residential lot sizes and types. A range exists for a minimum and maximum driveway width for residential districts (10' to 24'). In most cases, due to traffic volumes, need to retain on-street parking, density of driveways and potential for conflicts with pedestrians, large curb cuts are not desirable. Lot sizes also are on average small enough that it is undesirable to allow a disproportionately large driveway relative to the total lot area, both for aesthetic and stormwater reasons.

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On Nadene Dr, an average larger lot width of 80', and general orientation toward cars as a primary mode of transportation means that the occasional larger curb cut should not pose any safety or comfort concerns to neighbors or pedestrians. This particular lot has a width of 100'.

The board deliberated and agreed that similar variances have been granted and that this request was reasonable given the location and circumstances.

No one from the public came forward to speak on this item.

After no further public comment or deliberation, a motion was made by Joe Wilson and seconded by April Dankworth. Resolution BZA 04-21 was approved with a 4-0 vote.

RESOLUTION BZA 05-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a fuel station at 5580 N. Co Rd 25A

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property from the time it was condemned in 2017. The city has made contact with the owner of record as well as the owner's attorney in hopes of the owner releasing the mortgage to the city. The owner was not willing to negotiate on the asking price. Frank went on to discuss the process that the city would take in order to put the property back into productive use. It was noted that Mr. Panday, the appellant, is a mortgage holder and not the owner of record.

Nawal Pandey, appellant and mortgage holder of 5580 N. Co Rd 25A, came forward to speak on the item. Mr. Pandey noted that those who were originally operating the property did not take proper care of it. He discussed that there is currently no water or sewer connection, and that it was his understanding that the condemnation order was related to the lack of water service, and was not aware of additional property maintenance issues. Mr. Pandey was noticed and put into contact with the Code Compliance Coordinator. Mr. Pandey noted that he began correcting the property maintenance issues cited in the notices as soon as he became aware of them and elaborated why the unresolved issues had not been remediated.

Joe Wilson stated for the record that the property's water issues were mandated by the State of Ohio EPA. Originally, the property's well had gone bad and that was the reason for the lack of water at the area. The rocky composition of the soil makes it expensive to extend city services to the facility, but Mr. Pandey said that he desired the City's help to make that connection.

Frank Patrizio, City of Piqua Law Director, came forward once again and noted that the title search on the property states that the mortgage was assigned to Mr. Pandey in 2019, after the property was condemned. The property has thousands of dollars of back taxes. It was also reiterated that the appellant is not the property owner. Frank went on to discuss Brownfield cleanup grant that this site is well positioned for.

Chris Schmiesing, Community and Economic Development Director, came forward to speak on the item. Chris noted that this property has been vacant and unused for a number of years due to no water supply. He discussed that the condemnation of this property was originated by the Ohio EPA. The Ohio EPA monitors the testing of wells, and in this case, the water supply was contaminated. There were multiple conversations between the city and the owner, as well as with Mr. Wright, the owner's attorney. No agreements were made. Chris noted that it is typically the developer's responsibility to extend water and sewer to a property if it is not already

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connected. It was also noted that it is not unusual for a city to require municipal water and sewer, rather than well use, after issues with contamination.

Chris explained that 70% of code compliance issues result in voluntary compliance. There is a small percentage of issues that go completely unresolved because the owner is absent or refuses obligations as the property owner. The raze and/or repair process was explained as well as the abandoned fuel station program and expedited foreclosure process with Miami County. He reiterated that the property is well suited to receive grants to put the property back into productive use. The quotes that have been received are estimated at \$8,000 of due diligence.

The board members discussed and asked for clarification on the defunct corporation of the owner of record. The board members asked Aaron Morrison, Code Compliance Coordinator, for clarification on the codes that were annotated on the notice.

Mr. Pandey came forward and asked questions regarding the BZA procedures. It was noted that the procedures, final resolution and meeting minutes would be emailed to him once available.

No one else came forward to speak on this item, and the owners of the property did not attend the meeting.

The board deliberated further and discussed that the property has been vacant and unused for at least 4 years. The board agreed that the owner of the property had been noticed and aware of the issues for a fair length of time.

After no further public comment or deliberation, a motion was made by April Dankworth to approve the decision of the enforcing official and was seconded by Joe Wilson. Resolution BZA 05-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 06-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a church structure at 624 Broadway

Kyrsten French noted that neighbors have called concerning this item and are in favor of the demolition, and that despite the historic nature of the property and the exterior appeal, the interior of the property had fallen into disrepair. The windows had not been secured, water had been allowed to enter for years, and the foundation was compromised.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for questions.

No one else came forward to speak on this item.

The board deliberated and discussed that this property has been abandoned for quite some time. The owners of record are absent and the building, which used to be a place of worship, is now an unsafe structure and eyesore to the community.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by April Dankworth. Resolution BZA 06-21 was recorded and approved with a 4-0 vote.

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RESOLUTION BZA 07-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 500 McKinley Ave

After no further public comment or deliberation, a motion was made by Wayne Davey to approve the decision of the enforcing official and was seconded by Joe Wilson. Resolution BZA 07-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 08-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 429 Young St

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for questions.

Chris Schmiesing, Community and Economic Development Director, came forward to speak on the item. Chris noted that there are significant back taxes on the property.

The board deliberated and noted that the structure appears to be vacant and unsafe and has been for quite some time. They were all in agreeance that the code enforcer's decision was fair and valid.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by Wayne Davey. Resolution BZA 08-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 09-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 321 S Roosevelt

Frank Patrizio, City of Piqua Law Director, noted that this item would be removed from the agenda discussion. The owner of the property moved forward with demoing this property himself.

Joe Wilson motioned to remove this item from the agenda and April Dankworth seconded the motion. Resolution BZA 9-21 was removed from discussion with a 4-0 vote.

RESOLUTION BZA 10-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 218 College St

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for

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questions. He also noted that the owner of the property was made aware of the meeting and did not plan to attend.

The board deliberated and noted that the structure appears to be vacant and unsafe and has been for quite some time. They were all in agreeance that the code enforcer's decision was fair and valid.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by April Dankworth. Resolution BZA 10-21 was recorded and approved with a 4-0 vote.

OTHER BUSINESS

The board asked if there were more properties that would be considered for the demolition process. Chris Schmiesing explained the process and confirmed that there would be more to come as funding is made available.

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 7:25 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, City of Piqua Development Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.

RESOLUTION No. BZA 11-21

7-27-21

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 Chair and Vice-Chair shall be elected annually; and,

WHEREAS, the term expiration of the former Chair necessitates a re-appointment of the Chair and Vice Chair positions; and,

WHEREAS, the Board of Zoning Appeals has nominated _____ as the Chair and _____ as the Vice-Chair and both have agreed to serve in this capacity;

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member _____ and the voting record on this motion is hereby recorded as follows.



| | AYE | NAY | ABSTAIN | ABSENT |
|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Mr. David Fishback | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Joe Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Wayne Davey | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ms. April Dankworth | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Wayde Davis | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION No. BZA 12-21

WHEREAS, Dennis Browning, applicant, has requested a variance to construct an outdoor vehicle storage facility with an aggregate surface at 205 Hemm Road, zoned I2-Heavy Industrial; and,

WHEREAS, the City of Piqua Code of Ordinances section 154.081 establishes:

General Regulations

(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...

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.
- 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 the request for a variance at 205 Hemm Road. The motion was seconded by _____ and the request was _____ with a vote of _____ as recorded below.

| | AYE | NAY | ABSTAIN | ABSENT |
|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Mr. David Fishback | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Joe Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Wayne Davey | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ms. April Dankworth | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Wayde Davis | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



GENERAL LOCATION

STAFF REPORT

REQUEST

The applicant has requested a variance to construct a gravel storage area.

STAFF CONSIDERATIONS

This item originated as a Code Compliance case, where the City had notified the property owner that their property had not been suitably designed to store the volume and size of vehicles that it had parked. The applicant has requested to resolve the issue by constructing a gravel pad screened by evergreen tree plantings spaced 20' apart. This storage area would accommodate equipment and large vehicles.

As the zoning code is written, there is no other permitted treatment for vehicle storage other than paving and curbing the parking surface (§ 154.081). The Board of Zoning Appeals has decided on a number of variance requests for gravel, and each have been weighed according to the plan submitted and individual circumstances of the property. If a pattern has emerged, it is that where the area requested to be used as a gravel storage facility is small relative to the size of the lot, sited behind a building, set back from the road, and screened with landscaping, the Board has judged these cases more favorably, considering that the potential for impacts to adjacent property values would be minimized.

Staff is supportive of this variance request to resolve the existing code violation, but would stipulate that if fencing is not also proposed, the variance should stay conditioned on the effectiveness of the trees to act as a sufficient screen. The trees then, should be at least 6' at planting time, at least 1.5" caliper and be planted at a spacing of approximately 25' to 30' apart to form a visual barrier between the public right of way and the storage area. The applicant would then be permitted to store equipment and commercial vehicles on this area of their lot.

The applicant is also considering the construction of a building to resolve the storage issue long-term.

BZA MEETING DATE

07-27-21

RESOLUTION

BZA 12-21

SITE ADDRESS

205 Hemm Rd

PARCEL ID

N44-076223
N44-069790
N44-076229

ZONING

I2 - Heavy Industrial

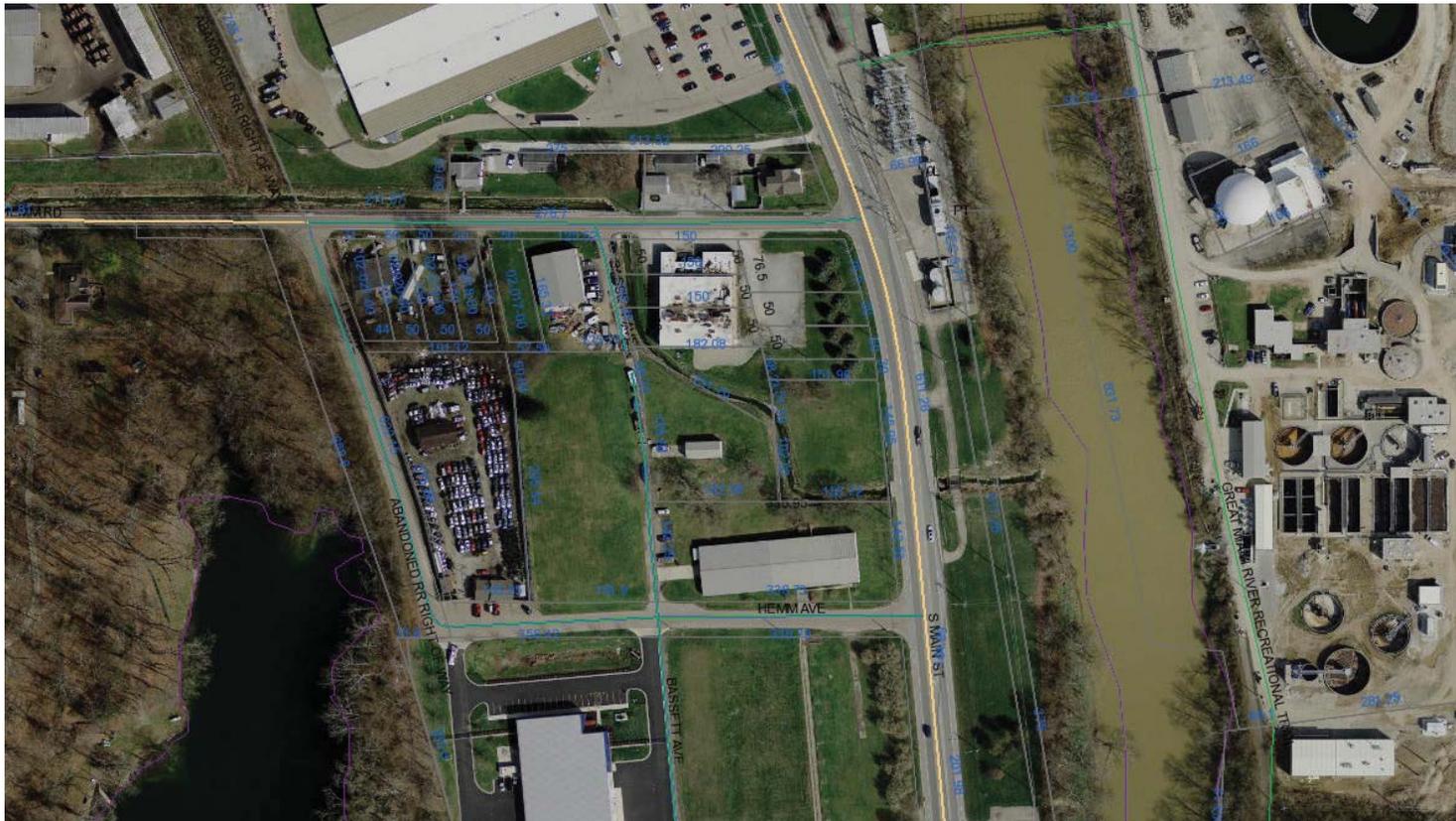
SURROUNDING ZONING

I2 - Heavy Industrial
F - Floodplain

PREPARED BY

Kyrsten French,
City Planner





Application Requesting a Zoning Variance

1. Applicant's Name Dennis Browning Phone (937) 773-2013
Browning Plumbing
Applicant's Address 205 Hemm Rd

2. Owner's Name Dennis Browning Phone (937) 773-2013
Owner's Address 2934 Children Home - Bradford Greenville OH

3. Type of legal interest held by applicant owner

4. Location of Variance Request
A. Legal description (Lot No. or attach legal description) lot 1780
B. Address PT-743 044-076229

5. Zoning Designation F2 Heavy Ind

6. Type of Variance Being Requested – Check all that Apply:
- | | |
|--|---|
| <input type="checkbox"/> Zoning Enforcement Appeal | <input type="checkbox"/> Area Variance |
| <input type="checkbox"/> Special Driveway | <input type="checkbox"/> Parking Variance |
| <input type="checkbox"/> Height Variance | <input type="checkbox"/> Zoning Map Boundary Line |
| <input type="checkbox"/> Setback Variance | <input checked="" type="checkbox"/> Other |

7. Describe the reason for the requested variance:
Gravel instead of BlackTop

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 Applicant Dennis Browning Date 6-22-2021

Signature of Owner Dennis Browning Date 6-22-2021

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

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

Parcel ID #: _____

\$25.00 Fee Paid _____

Date Fee Paid _____

Receipt No. _____

Received By _____

1/4" To 10'

Lost Creek Tract

Abandon Road

295' 111

26' with easement

Hemm Avenue S

Brown's Plumbing

Existing Storm

Gravel lot

Gravel Drive

2

122'

Gravel lot

134'

Gravel Drive

131'

130'

58'

80'

3

Junk yard

| Item No | Parcel | Owner | OR CURRENT RESIDENT | Property Address | PIQUA | OH | 45356 | |
|-----------|------------|--|---------------------|------------------------|-----------------------------|--------|-------|-------|
| BZA 12-21 | N44-069710 | HARTZELL FAN INC | OR CURRENT RESIDENT | 1010 S MAIN ST | PIQUA | OH | 45356 | |
| BZA 12-21 | | HARTZELL FAN INC | | 1025 S ROOSEVELT AVE | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-069730 | BEAVER DIANE M | OR CURRENT RESIDENT | 200 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | | BEAVER DIANE M | | 617 CHERRY ST | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-069740 | CANTRELL SETH T | OR CURRENT RESIDENT | 1020 MAIN S ST | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-069750 | STAMPER TERRY D (TOD) & @ (2) | OR CURRENT RESIDENT | 211 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | | STAMPER TERRY D (TOD) & @ (2) | | PO BOX 339 | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-069780 | SMITH STEVEN | OR CURRENT RESIDENT | 207 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-076223 | BROWNING DENNIS G (TOD) & KELLY (TOD) | OR CURRENT RESIDENT | 205 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-076225 | ROWE SHELBY J (TOD) | OR CURRENT RESIDENT | 1150 MAIN ST | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-076223 | BROWNING DENNIS G & KELLY L (TOD) & @ 4 | OR CURRENT RESIDENT | 205 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-101180 | THOMPSON MARK L (TOD) & KATRINKA S (TOD) & @ (7) | OR CURRENT RESIDENT | 200 HEMM AVE | PIQUA | OH | 45356 | |
| BZA 12-21 | | THOMPSON MARK L (TOD) | | 808 W ASH ST | PIQUA | OH | 45356 | |
| BZA 12-21 | N44-250071 | UPPER VALLEY MEDICAL CENTER | OR CURRENT RESIDENT | 103 HEMM RD | PIQUA | OH | 45356 | |
| BZA 12-21 | | UPPER VALLEY MEDICAL CENTER | | 110 N MAIN ST STE 1250 | UPPER VALLEY MEDICAL CENTER | DAYTON | OH | 45402 |