

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, FEBRUARY 28, 2012

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**CALL TO ORDER**

At 6:00 Vice Chairperson Mr. Patrizio called the meeting to order. The Vice Chair read the Introductory Statement of BZA Duties and outlined the order of business to be followed. The Vice Chair reviewed the meeting conduct procedures and swore in those persons in attendance. The Vice Chair asked all persons present to stand and raise their right hand. The Vice Chair 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: Dan Patrizio, Vice Chair, Skip Murray, Mike Taylor

Members Absent: Steve Reindel, Chair, Dan Henthorn

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Alan Miller, 627 Park Ave., Piqua, OH 45356

**SWEARING IN:** Mr. Patrizio, Vice Chair administered the Oath of Office to Skip Murray.

**MEETING MINUTES**

Approval of the April 26, 2011 meeting minutes was tabled due to the lack of attendance by Board Members. The April 26, 2011 and the February 28, 2012 meeting minutes will be on the agenda for approval at the next BZA meeting.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Resolution BZA 01-12**

**A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2012 calendar year.**

After the procedures for appointing a Chair and Vice Chair were read and the declaration of candidacy was recorded, Skip Murray nominated Steve Reindel for Chair for the 2012 calendar year. The motion was

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seconded by Mike Taylor and Mr. Reindel was unanimously voted in as Chair for the 2012 calendar year.

Skip Murray nominated Dan Patrizio for Vice Chair for the 2012 calendar year. The motion was seconded by Mike Taylor and Mr. Patrizio was unanimously voted in as Vice Chair for the 2012 calendar year

**2. Resolution BZA 02-12**

**A resolution requesting a variance to reduce the set back from 3 ft. to 0 ft. for the driveway located at 627 Park Ave., Piqua, OH.**

**3. Resolution BZA 03-12**

**A resolution requesting a variance to reduce the set back from 3 ft. to 0 ft. for the addition to the garage located at 627 Park Ave., Piqua, OH.**

Both of these resolutions were discussed together. Mr. Schmiesing presented Staff comments and made a recommendation to the Board for approval of both.

Mr. Patrizio requested clarification that the first resolution was for the driveway and the second resolution was for the addition. Mr. Patrizio also questioned whether the fence would be taken down. Mr. Schmiesing deferred to the applicant.

The applicant, Alan Miller, 627 Park Ave., Piqua, OH 45356 addressed the Board indicating that part of the fence would be removed, approximately 18 feet and that it would be replaced. The applicant, Mr. Miller indicated that he has had conversation with both his neighbor and the landlord and that neither have a problem with the proposed modifications.

Mr. Patrizio clarified with the applicant that there was a fence and that part of it would be torn down and part of it would be replace. The applicant confirmed that.

Skip Miller requested an explanation of the scope of the work to be done. The applicant explained that the cost would be approximately \$20,000.00 but there is not enough equity in the house to sustain that. He received a bid from a contractor to tear down and rebuild that is approximately \$20,000.00. To change the current structure, the cost is approximately \$30,000 and the bank would not finance that.

Mr. Murray asked the applicant the question regarding timing, indicating that his understanding is that even though the applicant

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was requesting the variances, he did not plan to do the work now. The applicant affirmed that statement.

Mr. Patrizio asked Mr. Schmiesing how long the request is valid to which Mr. Schmiesing responded variance requests are valid indefinitely. He indicated that a variance request that is DENIED can not come back before the Board for one year.

Mr. Patrizio asked the applicant if he wanted to tear the structure down and his response was originally yes, but now he wants to do the set back. Mr. Patrizio asked the applicant if he was doing the driveway at the same time. The applicant responded indicating he was going to do the structure first and then put in the drive and sidewalk because it would be too difficult to get a concrete truck down the driveway.

Mr. Patrizio asked the applicant why he was not tearing the garage down and Mr. Miller responded that he did not apply for the right of ways.

Mr. Patrizio asked Mr. Schmiesing if it was possible for the applicant to do this because ultimately a new garage would look better than the existing structure. Mr. Schmiesing indicated that the applicant presented information indicating he wanted to enlarge the existing structure. If the applicant wants to tear down the building and put up a new one, that is doable. The driveway is trickier because it is a shared drive. There is however, alley access to this property.

Mr. Patrizio requested clarification regarding the right to come back to the Board to submit a new plan as a tear down to which Mr. Schmiesing responded that the issue is 0 ft. off the lot line with a redo or a new one. If there is a request for a new structure, Mr. Schmiesing would probably change his recommendation.

Mr. Murray asked how far the existing is to which Mr. Schmiesing responded 0 ft. already. Mr. Schmiesing indicated he is now hearing that the requested project may or may not be done. Mr. Schmiesing recommended that the two resolutions be tabled at this time and that the applicant resubmit his request when he is certain as to what the scope of the work will include. This way the Board is acting on the proposed improvements actually to be constructed. Mr. Schmiesing indicated that if the applicant returns with plans to construct a new garage and the minimum code standards are satisfied then the permit can be approved administratively with no further action by the BZA being necessary. If the plans remain to add on to the existing structure with a 0 ft. setback then it would come before the Board again.

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Mr. Patrizio indicated that the applicant has a structure there that is getting older and he is willing to make it newer - would it not be better to have a newer structure.

Mr. Schmiesing indicated that the BZA is not authorized to waive the setback requirement in exchange for a new structure, rather unique and peculiar circumstances making it impractical for the applicant to comply with the minimum setbacks must exist as justification for granting an exception.

Mr. Murray indicated that he is familiar with the local real estate market and that he does not see the market improving in the next 12 months. He indicated that he was not sure the funding would come in that time and would be inclined to table this and revisit it at a later time. Mr. Taylor was in agreement. Mr. Patrizio asked the applicant if he was agreeable to this to which he responded affirmatively.

Skip Murray made a motion to table both Resolution 02-12 and Resolution 03-12 and the motion was seconded by Mike Taylor. A vote was taken and the motion was passed 3-0. If the applicant decides to move forward with the project and it is necessary to bring the issue before the BZA, it will be done at that time.

**OTHER BUSINESS**

None

**ADJOURNMENT**

With no other business before the Board, Mr. Patrizio adjourned the meeting at 6:25 p.m.