

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 26, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Vice-Chairperson Stumpff called the meeting to order. Mr. Schmiesing read the Introductory Statement of BZA Duties and outlined the order of business to be followed. Ms. Stumpff reviewed the meeting conduct procedures and asked Mr. Schmiesing to swear in those persons in attendance. Mr. Schmiesing asked all persons present to stand and raise their right hand. Mr. Schmiesing administered an oath requiring all persons present to testify before the BZA to swear or affirm to tell the truth, asking all persons 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" and no persons present stating "opposed".

ROLL CALL

Members Present: Steve Reindel, Debbie Stumpff, Pat Jenkins

Members Absent: Jean Franz, Jake Fashner

Staff Members: Chris Schmiesing

Attendees: Nick Miller, Scott Leonhart

Mr. Reindel moved to excuse the absence of Mr. Fashner and Mrs. Franz. Mr. Jenkins seconded the motion. The motion was approved; 3 ayes, 0 nays.

MEETING MINUTES

November 6, 2007 Meeting Minutes

Ms. Stumpff noted for the record that while she was not in attendance at the November 6, 2007 meeting she was not aware of any objections to the meeting minutes and therefore would be willing to vote on this item. Mr. Jenkins moved to adopt the November 6, 2007 meeting minutes as submitted and Mr. Reindel seconded the motion. The minutes were adopted; 3 ayes, 0 nays.

Mr. Jenkins noted for the record that he was not in attendance at the November 27, 2007 meeting and moved to table the November 27, 2007 meeting minutes item until Mrs. Franz, along with Mr. Reindel and Ms. Stumpff, are present to act on this item. Mr. Reindel seconded the motion. The motion to table this item carried; 3 ayes, 0 nays.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-08

Nomination and appointment of BZA officers for 2008 calendar year.

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Mr. Jenkins noted that two members were absent from the meeting and that a new board member would be coming on board in March and motioned to table the selection of the 2008 officers until the next meeting. Ms. Stumpff seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Aye. As a result of the vote the item was tabled until the next meeting.

2. Resolution BZA 02-08

Establishment of BZA meeting schedule for 2008 calendar year.

Mr. Jenkins noted that the dates, times, and location indicated are consistent with the established meeting schedule of the BZA and moved to adopt the resolution. Mr. Reindel seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Aye. As a result of the vote the 2008 meeting schedule was adopted.

3. Resolution BZA 03-08

A petition to variance the parking regulations to reduce the minimum required side yard setback for a driveway accessory to a residential use from 3 feet to 0 feet, said residential use located at 1709 Williams Place.

Mr. Schmiesing highlighted the content of the staff report on this item, specifically citing that the existing improvements and uses found at this location afford the owner a reasonable use of this land; and, that the variance requested is not justified by peculiar exceptions and unusual circumstances found at this location and not generally found within the neighborhood concerned; and, that the variance requested will materially diminish or impair the established property values in the area and will impair the public health, safety, comfort, morals, and welfare of the citizens of the community.

Mr. Nick Miller of 2201 Patterson-Haplin Road, Piqua, Ohio, approached the lectern to speak in favor of this item. Mr. Miller identified himself as the owner's representative on this matter and cited the property owners desire to construct a detached garage in the rear yard and the need to gain access to it as the reason for this request. Mr. Miller made reference to several other properties in the Candlewood subdivision where similar circumstances can be found and passed around photos for the boards' review (the board did not accept the photos for the record and the photos were returned to Mr. Miller after being viewed by the board members). Mr. Miller stated that the proposed 8 foot drive width would provide adequate space for a vehicle to maneuver around the existing home to and from the proposed garage.

No one present approached the lectern to speak in opposition to this item.

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Mr. Jenkins asked how long the current property owner had owned this property.

Mr. Miller returned to the lectern to answer the question and indicated that the current owner, Mr. Terry Stamper, had owned this property for about a year. Mr. Miller also indicated that the property owner does not reside at this location, rather he rents this property out, and that he had tried to sell the property and had a buyer, however, the deal fell through because the prospective buyer wanted to build a garage and realized it would be problematic to do so.

Mr. Jenkins noted that there is already a large utility shed in the rear yard at this location.

Ms. Stumpff noted that a 6 foot wide utility easement exist along the side lot line adjacent to the subject setback area and that if a concrete drive is constructed over the easement it would create a hardship for a utility company needing to occupy the easement, or for the property owner in the event the utility company were to remove the drive improvements and the property owner had to bear the cost of restoring the improvements.

Mr. Miller pointed to the examples provided and stated he did not observe any evidence of there having been any signs of maneuverability difficulties at those locations. Mr. Miller also noted that the code requirement that a driveway be setback 3 feet would allow a new driveway to be constructed over a portion of a 6 foot wide utility easement along a lot line and that in his opinion this would be no different.

Ms. Stumpff noted that a dually truck can be very near 8 feet in width, the proposed width total width of the drive. Ms. Stumpff also pointed out that in some cases the mirrors may even extend beyond this dimension.

Ms. Stumpff also pointed out that adopted community standards are intended to preempt the types of concerns being discussed and others that might very well arise as a result of the request that is being made.

Mr. Reindel commented that he agreed with the comments from the other board members and questioned where snow cleared from the drive after a snowfall would be placed.

Hearing no other questions, comments, or discussion, and with reference to the failure of the request to satisfy the established criteria for granting a variance, Mr. Jenkins moved to deny the variance request and Mr. Reindel seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Aye. As a result of the vote the variance request was denied.

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4. Resolution BZA 04-08

A petition to variance the parking regulations to reduce the minimum required width for a driveway accessory to a residential use from 10 feet to 8 feet, said residential use located at 1709 Williams Place.

Mr. Schmiesing highlighted the content of the staff report on this item, specifically citing that the existing improvements and uses found at this location afford the owner a reasonable use of this land; and, that the variance requested is not justified by peculiar exceptions and unusual circumstances found at this location and not generally found within the neighborhood concerned; and, that the variance requested will materially diminish or impair the established property values in the area and will impair the public health, safety, comfort, morals, and welfare of the citizens of the community.

No one present approached the lectern to speak in favor of or in opposition to this item.

Hearing no questions, comments, or discussion, and with reference to the discussion on resolution 03-08 and the failure of the request to satisfy the established criteria for granting a variance, Mr. Jenkins moved to deny the variance request and Mr. Reindel seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Aye. As a result of the vote the variance request was denied.

5. Resolution BZA 05-08

A petition to variance the sign regulations to increase the maximum permissible height for a permanent detached pole sign located on a lot less than 1 acre in area from 8 feet to 20 feet, said sign to be located at 631 W. Water Street.

Mr. Schmiesing highlighted the content of the staff report on this item, specifically citing the previously undeveloped status of this lot and the use options available to this location as affording the owner a reasonable use of this land; and, the variance request as not being justified by peculiar exceptions and unusual circumstances found at this location and not generally found within the neighborhood concerned; and, that the variance requested will materially diminish or impair the established property values in the area and will impair the public health, safety, comfort, morals, and welfare of the citizens of the community.

Mr. Scott Leonhart of 1933 Stoney Meadow, Cincinnati, Ohio, approached the lectern to speak in favor of this item. Mr.

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Leonhart indicated that he is the regional manager for O'Reilly's Auto Parts, and that O'Reilly's is a family owned business that expects to grow by about 30 stores in the Ohio area over the next 12 months. Mr. Leonhart indicated that the proposed sign is much shorter and smaller than the standard 110 square foot 30 foot tall sign O'Reilly's typical installs, and noted that their standard sign also includes a reader panel below the primary sign. Mr. Leonhart indicated the need for the sign variance was to allow for O'Reilly's customers identify their store location and to effectively advertise the business.

No one present approached the lectern to speak in opposition to this item.

Mr. Reindel thanked Mr. Leonhart for O'Reilly's decision to build a new store in Piqua. Mr. Reindel noted that there had been a considerable amount of input from the citizens of the community the community business leaders that went into the currently adopted community standards regulating signs. Mr. Reindel also pointed out, that as a resident of the community, if he was seeking out an auto parts store location he would already have a pretty good idea as to where he was headed and where the store is located. Mr. Reindel stated that he did not view the sign height as a having much of an impact on whether or not someone would patronize this business.

Mr. Jenkins asked about the height and size of the other signs in this area. Mr. Schmiesing responded, indicating that the Rally's, US Bank, Family Video, CVS, and Tim Horton's signs were all of varying heights and sizes, and that all were erected under the requirements of the old sign code regulations. Mr. Jenkins stated that he was uncertain whether an 8 foot high sign would be adequate. Mr. Jenkins also noted that the surrounding neighborhood has a mix of residential and commercial uses and questioned whether the illumination of a higher and larger sign would be a nuisance to the residential properties across the street.

Ms. Stumpff commented that she too had observed the heights and sizes of the other signs in the area and commented that she believed the other signs were too tall to be easily read when you are traveling down the street. Ms. Stumpff stated that she was having difficulty visualizing what an 8 foot high sign would look like in relationship to the height and scale of the nearby buildings.

Mr. Schmiesing commented that he had brought with him a photo of a sign that is representative of what an 8 foot high sign with a 25 square foot message would look like and offered to share the illustration with the board members. Ms. Stumpff asked that the photo be submitted for the record and Mr. Schmiesing provided

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each board member with a one page copy of the photo, said photo being of the Dairy Queen Grille and Chill monument sign located at 1288 E. Ash Street.

Hearing no other questions, comments, or discussion, and with reference to the failure of the request to satisfy the established criteria for granting a variance, Mr. Reindel moved to deny the variance request and Ms. Stumpff seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Nay. As a result of the vote the variance request was denied.

6. Resolution BZA 06-08

A petition to variance the sign regulations to increase the maximum permissible sign face area for a permanent detached pole sign located on a lot less than 1 acre in area from 25 square feet to 50 square feet, said sign to be located at 631 W. Water Street. Mr. Schmiesing highlighted the content of the staff report on this item, specifically citing the previously undeveloped status of this lot and the use options available to this location as affording the owner a reasonable use of this land; and, the variance request as not being justified by peculiar exceptions and unusual circumstances found at this location and not generally found within the neighborhood concerned; and, that the variance requested will materially diminish or impair the established property values in the area and will impair the public health, safety, comfort, morals, and welfare of the citizens of the community.

No one present approached the lectern to speak in favor of or in opposition to this item.

Hearing no questions, comments, or discussion and with reference to the discussion on resolution 05-08 and the failure of the request to satisfy the established criteria for granting a variance, Mr. Reindel moved to deny the variance request and Ms. Stumpff seconded the motion. The following vote was recorded: Ms. Stumpff, Aye; Mr. Reindel, Aye; Mr. Jenkins, Nay. As a result of the vote the variance request was denied.

OTHER BUSINESS

Mr. Schmiesing commented on this being the last meeting for Mr. Fashner, noting that his term on the BZA expires on March 1, 2008, and thanked him for his service to the community.

ADJOURNMENT

With no further business to conduct the meeting adjourned at 6:57p.m.