

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MARCH 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Vice-Chairperson Stumpff called the meeting to order. Ms. Stumpff 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 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" and no persons present stating "opposed".

ROLL CALL

Members Present: Steve Reindel, Debbie Stumpff, Pat Jenkins, Jean Franz, Becky Harrison

Members Absent: None

Staff Members: Chris Schmiesing, Stacy Wall, Devon Alexander

Attendees: Pat Obara, Jerry Pelfer, Bill Vogt, Lucy Fess, Ron Chalmers, John Martin, Chuck Starret, Irvin Baltes, Kurt Smitley, Craig McMaken

MEETING MINUTES

Mrs. Franz moved to adopt the November 27, 2007 meeting minutes as submitted and Mr. Reindel seconded the motion. The minutes were adopted; 5 ayes, 0 nays.

Mr. Jenkins moved to adopt the February 26, 2008 meeting minutes as submitted and Mr. Reindel seconded the motion. The minutes were adopted; 5 ayes, 0 nays.

OLD BUSINESS

1. Resolution BZA 01-08

Nomination and appointment of BZA officers for 2008 calendar year.

M. Schmiesing outlined the chair and vice chair selection process and asked those board members interested to declare their candidacy.

Mr. Reindel moved to amend BZA 01-08 to replace each occurrence of the words "Planning Commission" with "Board of Zoning Appeals". Ms. Stumpff seconded the motion and the amendment carried; 5 ayes, 0 nays.

Mrs. Franz moved to nominate and appoint Steve Reindel as the chair person and Deb Stumpff as vice-chair person of the BZA. Mr. Jenkins seconded the motion and the nomination and appointments were adopted; 5 ayes, 0 nays.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MARCH 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

NEW BUSINESS

2. Resolution BZA 07-08

A petition to appeal the enforcement of the zoning chapter with reference to the abandonment of a detached sign structure located at 900 S. Main Street.

Mr. Schmiesing read the agenda item.

Mr. Alexander offered staff comments noting that the notice pertains to an abandoned sign post structure and the notice was issued on February 26, 2008.

Pat Obara of 9200 NCR 25-A, approached the lectern to speak on this item. Ms. Obara testified that the sign structure had existed since 1975 and that the sign was not abandoned, rather simply not being used at the time. Ms. Obara also commented that no sign has been displayed from this sign structure since 1983. She continued by challenging the determination that the sign is abandoned and described the sign as an asset to the property. Ms. Obara agreed that an abandoned sign structure should be abandoned.

Mr. Jenkins asked for a clarification concerning the applicability of the code text with regards to the abandonment provisions and Mrs. Wall responded explaining the code definition of abandoned.

Mr. Reindel asked Ms. Obara if there was electrical service to the sign structure and if it were active, and if there had been an estimate secured with regards to the cost to remove the sign. Ms. Obara responded stating that there is electric to the sign and that there had not been an estimate secured regarding the cost to remove the structure.

Mrs. Franz commented on the use history of the sign structure and asked whether the current tenant would have an interest in occupying the sign structure with a sign. With reference to the existing wall signage found at his location, Mrs. Obara commented that the current tenant was not interested in utilizing the sign structure.

Ms. Stumpff asked how long the current tenant had occupied the building. Ms. Obara responded stating that the current tenant had been at this location since 1997.

Mr. Jenkins asked about the possibility of the sign structure being reused and whether or not it would be permissible. Mr. Schmiesing responded by outlining the process to make such a determination and explained that additional information would need to be provided for such a determination to be made.

Bill Vogt of 928 Young Street, approached the lectern to speak on this item. Mr. Vogt asked that the board table the item until the

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MARCH 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

applicant has had an opportunity to speak with the existing tenant and discuss the reuse possibilities.

Chuck Starrett of 4244 W. Demming Road, approached the lectern to speak on this item. Mr. Starrett commented on the existing utility pole near this location obscuring the view of the sign structure.

John Martin of 301 Cleveland Street, approached the lectern to speak on this item. Mr. Martin commented on the use possibilities concerning this sign.

Ms. Stumpff asked what options were available to the applicant. Mrs. Wall responded stating that the applicant can appeal the matter to the court of common pleas if they disapprove with outcome of the findings of this body, or if they choose to pursue the reuse of the sign they will be advised of the code requirements. Mrs. Wall continued by noting that the non-use of the sign structure has existed since 1983 and that the current tenant has chose not to utilize the sign structure since 1997, suggesting that there is no intent to reuse the sign. Mrs. Wall also commented that it would not be inappropriate to for the board to table the item if they desire to do so to allow the applicant an opportunity to explore the reuse option.

Mrs. Franz moved to table the item until the next meeting of the Board of Zoning Appeals. Mrs. Harrison seconded the motion and the item was tabled; 5 ayes, 0 nays.

3. Resolution BZA 08-08 and BZA 09-08

A petition to variance the requirements of the zoning chapter with reference to the maximum area permissible for a private garage to be located at Inlot 8916 on Echo Lake Drive, and,

A petition to variance the requirements of the zoning chapter with reference to the minimum setbacks permissible for a private garage to be located at Inlot 8916 on Echo Lake Drive.

Mr. Schmiesing read the agenda items and explained the nature of the request. Mr. Schmiesing noted that agenda items BZA 08-08 and BZA 09-08 pertained to the same project. Mr. Schmiesing noted for the record that he lives in the same neighborhood as the applicant and for that reason would defer to the city law director for staff comments on this request.

Mrs. Wall commented that she does not believe it would be appropriate for the BZA to act on a request pertaining to an accessory structure that can not be constructed on a lot without there being a principal use present.

Mr. Jenkins asked why the item was before the board. Mrs. Wall explained that if the applicant were to secure zoning and building permits to build a principal use in conjunction with the accessory

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MARCH 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

structure the request may merit consideration, however, that is not what has occurred in this case. Mrs. Wall noted that no permit application for the construction of a principal use has occurred. Mrs. Wall further noted that the applicant has the right to appeal the enforcing official's interpretation of the zoning code to the BZA.

Ms. Stumpff commented on the options available to the board with regards to acting on this matter. Ms. Stumpff suggested that action on the variance request would be useless unless perhaps they place conditions on the variance making the board's decision contingent upon the applicant securing the permit necessary to construct the principal use within a certain timeframe.

Bill Vogt of 928 Young Street, approached the lectern to speak on this item. Mr. Vogt commented on the positioning of the principal structure and how it will relate to the position of the accessory structure, and suggested that it would be helpful to the applicant if the board would act on the variances requested so that he knows where the garage will be allowed to be situated.

Kurt Smitley of 1106 Broadway, approached the lectern to speak on this item. Mr. Smitley identified himself as a former member of the BZA and the applicant's contractor for this project. Mr. Smitley commented on the code sections applicable to the variance requests.

Craig McMaken of 3215 W. Zeigler Road, approached the lectern to speak on this item. Mr. McMaken noted that his family owns the six platted lots to the north of the platted Lake Street right of way that separates his lots from Mr. Chalmers parcel. Mr. McMaken spoke of the possibility of the Lake Street right of way someday being improved to allow for the development of the six lots his family owns. Mr. McMaken stated that his family had explored a similar use of their six lots (a storage building with no principal use) and were told that it could not be approved, and that for that reason they are opposed to the variance requests.

Ms. Stumpff asked Mr. Chalmers to come forward and asked him how he would like to proceed. Mr. Chalmers stated that he prefers the board table the requests to give him time to consider his options.

Mr. Jenkins moved to table both items for 180 days. Mrs. Franz seconded the motion and the items were tabled; 5 ayes, 0 nays.

Mr. Vogt approached the lectern and commented on the need to resolve the street right of way issue.

OTHER BUSINESS

It was noted for the record that there was no other business.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MARCH 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

ADJOURNMENT

With no further business to conduct the meeting adjourned at 7:13p.m.