

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, APRIL 22, 2008 - 6:00 P.M.

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**CALL TO ORDER**

At 6:00 Chairperson Mr. Reindel called the meeting to order. Mr. Reindel read the Introductory Statement of BZA Duties and outlined the order of business to be followed. Mr. Reindel reviewed the meeting conduct procedures and swore in those persons in attendance. Mr. Reindel asked all persons present to stand and raise their right hand. Mr. Reindel 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, and Becky Harrison

Members Absent: None

Staff Members: Chris Schmiesing, Stacy Wall, Devon Alexander, Chris Boeke, and Becky Cool

Attendees: Irvin Baltes, Jim Foster

**MEETING MINUTES**

Mrs. Franz moved to adopt the March 25, 2008 meeting minutes as submitted and Mr. Jenkins seconded the motion. The minutes were adopted. 5 ayes, 0 nays.

**OLD BUSINESS**

**1. Resolution BZA 07-08**

**(Tabled 3-25-08 until 4-22-08 meeting)**

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.

Mrs. Cool read the agenda item.

Moved by Ms. Stumpff to remove Resolution No. BZA 07-08 from the table and Mr. Jenkins seconded the motion. The following vote was recorded: Mr. Jenkins, Aye; Mr. Reindel, Aye; Mrs. Franz, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye.

Mr. Alexander offered staff comments noting that he had went by the property in question before the meeting and stated that nothing has been done, and that no contact has been made with the City at this time.

No one came forward to speak for or against Resolution No. BZA 07-08 at this time.

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Mrs. Franz voiced her concerns about the sign not being utilized in the past twenty years.

Ms. Stumpff stated based on the fact that no one has been in contact with the City at this time, she would like to put it to a vote.

Mr. Jenkins asked if Mrs. Obara, property owner, had been contacted or sent a notice regarding Resolution No. BZA 07-08 being reviewed at this meeting.

Mr. Schmiesing stated yes, a meeting notice had been sent out to Mrs. Obara stating Resolution BZA 07-08 would be heard at this date and time.

Mr. Jenkins motioned to affirm the finding of the enforcing officer and Ms. Stumpff seconded the motion. The following vote was recorded: Mr. Jenkins, Aye; Mr. Reindel, Aye; Mrs. Franz, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye. As a result of the vote the determination of the enforcing official was affirmed.

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

**(Tabled 3/25/08 for up to 180 days-9/23/08)**

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. Jenkins asked if the Board chooses to leave the items on the table what do we do at this time.

Ms. Wall explained that if there is no motion to remove the item from the table it remains on the table.

Mrs. Cool noted that agenda items BZA 08-08 and BZA 09-08 pertained to the same project and would remain on the table at this time.

**NEW BUSINESS**

**4. Resolution BZA 10-08**

A petition to appeal the decision of the enforcing officer with reference to a Property Maintenance Code Violation Notice issued concerning certain conditions found at 418-420 Broadway.

Mrs. Cool read the agenda item.

Mr. Boeke offered staff comments noting a legal notice was sent to Irvin Baltes, property owner, on February 28, 2008, instructing Mr. Baltes to repair a damaged garage roof, overhead

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garage door, and the deteriorated roof on the house. Mr. Boeke also provided pictures of the violations in question.

Irvin Baltes, 501 N. Downing Street, approached the lectern to speak on this item. Mr. Baltes stated he would try to get the garage taken down, noting it is bad shape and not worth putting money in to repair it. Mr. Baltes presented to the Board copies of overdue gas bills he has accumulated on his properties, stating he has no money to pay his bills or make repairs at this time.

Mrs. Harrison asked if Mr. Baltes was using the garage at this time? Mr. Baltes responded stating he has parked his truck in the garage at various times, but not at this time.

Mr. Baltes stated he would like to get back on his feet first, citing he has 32 apartments and 14 rental properties to maintain.

Mrs. Franz asked when Mr. Baltes due date is for him to have the repairs completed?

Mrs. Wall explained the jurisdiction of the Board of Zoning Appeals is to hear the appeal on violation notices of property maintenance codes, not to modify the time to comply.

Mrs. Franz asked if any extensions have been given at this time for the property in question? Mr. Boeke responded stating no extensions have been issued, and that there have not been any requested by the property owner at this time.

Mr. Jenkins stated he disagrees with Mrs. Wall explanation and feels the Board has jurisdiction over the time frame and has the right to modify the time.

Ms. Stumpff stated when property owners receive code enforcement notices they should contact the City, we are willing to work with you on solving the complaint.

Mr. Jenkins motioned to affirm the finding of the enforcing officer and Ms. Stumpff seconded the motion. The following vote was recorded: Mr. Jenkins, Aye; Mr. Reindel, Aye; Mrs. Franz, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye. As a result of the vote the determination of the enforcing official was affirmed.

**5. Resolution BZA 11-08**

A petition to appeal the decision of the enforcing officer with reference to a Property Maintenance Code Violation Notice issued concerning certain conditions found at 424-426 S. Main Street.

Mrs. Cool read the agenda item.

Mr. Boeke offered staff comments noting that a legal notice was sent Irvin Baltes, property owner, on February 28, 2008, instructing Mr. Baltes to repair damaged eaves and fascia, repair

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damaged chimney, paint the exterior of the house, and to replace missing and or deteriorated gutters and downspouts. Mr. Boeke also provided pictures for the board to review.

Ms. Stumpff asked when the first notice was sent out on this property?

Mr. Boeke stated the first notice was sent out February 28, 2008.

Irvin Baltus, 501 N. Downing Street, approached the lectern to speak on this item. Mr. Baltus stated the chimney can be taken down and a cap put on it. The other problem is he does not have the funds to do the needed repairs. Mr. Baltus stated the banks will not loan him any money at this time, and he has exhausted all of his resources.

Mr. Jenkins voiced his opinion on a minor conflict on the need for painting asbestos shingles.

Mrs. Franz stated some of the repairs could be done without a lot of expense.

Mr. Baltus stated he agrees with the notice that the repairs need to be done, but still does not have the money. Mr. Baltus further stated he is not trying to get out of making the repairs, but is unable to make them at this time.

Mrs. Franz motioned to affirm the finding of the enforcing officer and Mrs. Harrison seconded the motion. The following vote was recorded: Mr. Jenkins, Aye; Mr. Reindel, Aye; Mrs. Franz, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye. As a result of the vote the determination of the enforcing official was affirmed.

**6. Resolution BZA 12-08**

A petition to appeal the decision of the enforcing officer with reference to a Property Maintenance Code Violation Notice issued concerning certain conditions found at 213-213 ½ S. Roosevelt Avenue.

Mrs. Cool read the agenda item.

Mr. Boeke offered staff comments noting a legal notice was sent to Irvin Baltus, property owner, on February 28, 2008, instructing Mr. Baltus to paint the exterior of the house and to repair or replace damaged sections of the house roof.

Ms. Stumpff stated she is sympathetic to the property owner who is having hard times, but further stated he needs to communicate with the City and furnish a list when the necessary repairs and painting can be completed.

Mr. Boeke asked that Mr. Baltus submit a time schedule for doing the repairs to the various properties that he has violations

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notices issued. The city's goal is to have the repairs made and a list would be appropriate at this time to show good faith in making the repairs, said Mr. Boeke.

Ms. Stumpff stated it would be very helpful for Mr. Baltes to submit a list of his plans to make the necessary repairs and the time frame he needs to complete the repairs.

Mr. Boeke stated the city is willing to work with Mr. Baltes, but a list of a time frame to make the repairs has never been submitted.

Irvin Baltes, 501 N. Downing Street, approached the lectern to speak on this item. Mr. Baltes stated he has owned the property at 213-213 ½ S. Roosevelt for over 25 years and has never painted the siding. He feels it is not necessary to paint the house, and does not want to commit to a time frame on the repairs at this time.

Mrs. Harrison asked if other properties in the general area have also been cited for repairs?

Mr. Boeke explained how properties were viewed, and the criteria for sending out property maintenance notices.

Mr. Reindel motioned to affirm the finding of the enforcing officer and Mrs. Franz seconded the motion. The following vote was recorded: Mr. Jenkins, Aye; Mr. Reindel, Aye; Mrs. Franz, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye. As a result of the vote the determination of the enforcing official was affirmed.

**7. Resolution BZA 13-08**

A petition to variance the requirements of the zoning chapter with reference to the setback requirements for a private garage accessory structure located at 306 Glenwood.

Mrs. Franz stated she is a friend of the applicant and would like to recuse herself from the proceedings of Resolution BZA 13-08 at this time.

Chris Schmiesing, City Planner, stated the applicant would like to petition for a variance to Section 154.033 (G)(4) (a) of the Zoning Code to allow an addition to the existing one-family unit that will result in the principal structure being located less than ten feet from the existing detached private garage and cause the established setbacks of the accessory structure to be out of compliance with the aforementioned code section.

Ms. Stumpff stated she was having a hard time deciphering the difference between the 3 feet and the 6 feet side yard setback requirement.

Mr. Schmiesing explained the requirements necessitating the setback variance.

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Jim Foster, 306 Glenwood, approached the lectern and explained the reason he is asking for the variance.

Mr. Jenkins stated he has a copy of an aerial view of the neighborhood and can see that three out of eleven houses have additions on the back of the home. Mr. Jenkins asked Mr. Foster why not change the direction of the addition he would like to add so it would not require a variance.

Mr. Foster explained the reason he would like to have the addition built this way.

Mr. Jenkins asked why did others build their additions differently then Mr. Foster is requesting.

Mr. Foster explained all the houses in his neighborhood are built a little differently.

Mr. Jenkins stated he is not sure that some of the other additions that were added to houses in Mr. Foster's neighborhood would be in compliance with the zoning codes.

Mr. Reindel asked Mr. Foster if it would be possible to change his plans to be 12 ½ feet x 28 feet in order to comply with code.

Mr. Foster explained the reason he wants to keep the addition at 14 feet x 28 feet.

Ms. Stumpff asked if Mr. Foster has looked at different layouts to comply with the existing code.

Mr. Foster replied yes, he has looked at other alternatives.

Ms. Stumpff stated she did not mean to put Mr. Foster on the defensive; these are questions we need to ask in order for us to make our decision.

Mr. Foster stated he understood.

Ms. Stumpff commented, she has an addition on the back of her home, and that is part of the reason she purchased the home.

Mrs. Harrison stated there are a lot of empty homes in town with various shapes and sizes of room additions.

Mr. Reindel stated the Board has to look at the requirements of the code, and examine the issues specific to this property in determining whether or not to grant the variance.

Ms. Stumpff motioned to grant the request to vary the strict application of the code requirements and the motion was seconded by Mrs. Harrison, and the voting record on this motion was recorded as follows: Mr. Jenkins, Aye; Ms. Stumpff, Aye; Mrs. Harrison, Aye. Mr. Reindel, Nay.

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**OTHER BUSINESS**

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

**ADJOURNMENT**

With no further business to conduct it was moved and seconded that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:16p.m.