

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, AUGUST 26, 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 and Jean Franz

Members Absent: Pat Jenkins and Becky Harrison

Staff Members: Chris Schmiesing, and Joni Kakatolis

Attendees: Jerry Creger, Leonard Coddington, Deborah Moltz, Peggy Henthorn and Chris Cline

Mr. Reindel moved to excuse Pat Jenkins and Becky Harrison from the meeting and Mrs. Franz seconded the motion. 3 ayes, 0 nays

**MEETING MINUTES**

Ms. Stumpff moved to adopt the April 22, 2008 meeting minutes as submitted and Mrs. Franz seconded the motion. The minutes were adopted. 3 ayes, 0 nays.

**OLD BUSINESS**

**1. Resolution BZA 08-08**

**(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 Dr.

Ms. Kakatolis read the agenda item.

Mr. Schmiesing noted that this item had been withdrawn and that no further action was required.

**2. Resolution 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 minimum setbacks permissible for a private garage to be located at Inlot 8916 on Echo Lake Dr.

Ms. Kakatolis read the agenda item.

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Mr. Schmiesing noted that this item had been withdrawn and that no further action was required.

**NEW BUSINESS**

3. Resolution BZA 14-08

A petition to variance the parking requirements to allow an off-street parking space setback zero feet from the side lot line of 321 Second Street.

Ms. Kakatolis read the agenda item.

Mr. Schmiesing offered staff comments noting that Section 154.081(A) required all residential parking spaces to be setback 3 feet from the side lot line. A power point presentation outlined the property. A complaint was made by a neighbor (name not known). A permit request was denied.

Mr. Coddington, 321 Second Street, approached the lectern and explained the reasons he is asking for the variance. Mr. Coddington indicated he has parked in this space for 8 years before any complaint was made. He indicated he did not know a permit was needed until he was advised by the City.

Ms. Stumpff asked the petitioner about the fence that was erected around the rear yard and wanted to know why the driveway was not put in at the same time and located in the rear yard.

Mr. Coddington explained the fence was erected as a result of problems with the neighbors and also explained that he was disabled and that there is often a vehicle parked in his usual parking space on the street sometimes and he was not able to park close to his property.

Ms. Stumpff indicated that the street is dedicated to the public and you cannot get reserved parking in front of your house.

Mr. Reindel motioned to deny the request to vary the parking requirements to allow an off-street parking space setback and the motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

4. Resolution BZA 15-08

A petition to variance the parking requirements to allow a gravel Parking surface to be located in the front yard of 321 Second St.

Ms. Kakatolis read the agenda item.

Mr. Schmiesing offered staff comments noting that Section 154.081(J) of the parking regulations allows gravel to be used for an off-street parking space provided the space is located in a rear yard. The

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proposed driveway is located zero feet from the side lot line and is located in a side yard.

Mr. Coddington, 321 Second Street explained the reasons he is asking for the variance.

Ms. Stumpff indicates that the gravel lot on the side takes away from the property and thinks the solution is coming in off the alley into the rear yard.

Mr. Reindel indicates that it takes special circumstances to grant the variance. Mr. Reindel thinks that the staff comments and board comments are clear and does not see any special circumstances that would warrant approving this request.

Mr. Reindel motioned to deny the request to vary the parking requirements to allow a gravel parking surface and the motion was seconded by Ms. Stumpff. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

5. Resolution BZA 16-08 through 24-08

Mr. Schmiesing offered staff comments outlining the entire project and each individual petition which included a power point presentation with details of the specific variances. Mr. Schmiesing stressed to the Board that the City was very supportive of the project but that there was little about the project that constituted unique or peculiar circumstances.

Petitioners present were Debbie Moltz with Chandler Signs, Chris Cline with Cinemark and Peggy Henthorn with MIDAMCO.

Debbie Moltz with Chandler Signs presented the Board with photos of the site and explained the impact reducing the sign size would have on the visibility of the signage.

Chris Cline with Cinemark spoke indicating that his company is very big on branding their name. He acknowledged the variances and indicated that the project would create jobs within and traffic into the city.

Peggy Henthorn with MIDAMCO spoke to the Board indicating that the project was a \$3 million dollar project. She feels it is necessary to the malls economic vitality and also that the closest theatre to Piqua is Huber Heights. People in the Troy and Tipp City area are all going to Huber Heights to eat and attend the theatre. Ms. Henthorn expressed a desire to attract these patrons to Piqua and felt this project would do that along with drawing people in from the Shelby county area. This is an investment in the community and there is a competitive market for this. Mrs. Henthorn spoke to the fact that identity is important to Cinemark and that the project would generate revenue for the city.

Each item was voted on separately as follows:

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Resolution BZA 16-08           A petition to variance the number of primary attached signs to be located at 1020 Garbry Road (Cinemark North Elevation)

Ms. Stumpff motioned to deny the request to vary the number of primary attached signs to be located at 1020 Garbry Road. The motion was seconded by Mr. Reindel. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

Resolution BZA 17-08           A petition to variance the area of wall sign A at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to accept the request to vary the area of wall sign A at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Aye and Ms. Stumpff Aye. Vote 2-1/REQUEST DENIED.

Resolution BZA 18-08           A petition to variance the area of wall sign D1 at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to deny the request to vary the area of wall sign D1 at 1020 Garbry Road. The motion was seconded by Mr. Reindel. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

Resolution BZA 19-08           A petition to variance the number of secondary attached wall-poster signs at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to accept the request to vary the number of secondary attached wall-poster signs at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Aye; Mrs. Franz, Aye and Ms. Stumpff Aye. REQUEST APPROVED.

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Resolution BZA 20-08            A petition to variance the area of secondary attached wall-poster signs at 1020 Garbry Road (Cinemark).

Mr. Reindel motioned to accept the request to vary the area of secondary attached wall poster signs at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Aye; Mrs. Franz, Aye and Ms. Stumpff Aye. REQUEST APPROVED.

Resolution BZA 21-08            A petition to variance the eligibility for primary attached wall signage/number of signs at 1020 Garbry Road (Cinemark East Elevation).

Mrs. Franz motioned to accept the request to vary the eligibility for primary attached wall signage/number of signs at 1020 Garbry Road. No one seconded the Motion. Mr. Reindel motioned to deny the request and Ms. Stumpff seconded. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

Resolution BZA 22-08            A petition to variance the area of wall sign B at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to accept the request to vary the area of wall sign B at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Aye; Mrs. Franz, Aye and Ms. Stumpff Aye. REQUEST APPROVED.

Resolution BZA 23-08            A petition to variance the area of wall sign D2 at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to deny the request to vary the area of wall sign D2 at 1020 Garbry Road. The motion was seconded by Mr. Reindel. The following vote was recorded: Mr. Reindel, Nay; Mrs. Franz, Nay and Ms. Stumpff Nay. REQUEST DENIED.

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Resolution BZA 24-08            A petition to variance the eligibility for attached (projecting-blade) signage at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to accept the request to vary the eligibility for attached (projecting-blade) signage at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Aye; Mrs. Franz, Aye and Ms. Stumpff Aye. REQUEST APPROVED.

Resolution BZA 25-08            A petition to variance the area of projecting sign C at 1020 Garbry Road (Cinemark).

Ms. Stumpff motioned to accept the request to vary the area of projecting sign C at 1020 Garbry Road. The motion was seconded by Mrs. Franz. The following vote was recorded: Mr. Reindel, Aye; Mrs. Franz, Aye and Ms. Stumpff Aye. REQUEST APPROVED.

**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 8:05p.m.