

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, APRIL 28, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Chairperson Mr. Reindel called the meeting to order. The Chair read the Introductory Statement of BZA Duties and outlined the order of business to be followed. The Chair reviewed the meeting conduct procedures and swore in those persons in attendance. The Chair asked all persons present to stand and raise their right hand. The 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" and no persons present stating "opposed".

ROLL CALL

Members Present: Steve Reindel, Chair Jimmie Reedy and Jean Franz

Members Absent: Pat Jenkins and Rebecca Harrison

Staff Members: Stacy Wall, Chris Boeke, Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Eric VanHoose, Jim Apple, Brian and Ann Quinter, Tom Cline, Jim Calvert, Laura Schmidt, Deron Yingst, and Chris Wesner.

The Chair moved to excuse Pat Jenkins and Rebecca Harrison from the meeting and Mr. Reedy seconded the motion. 3 ayes, 0 nays.

OATH OF OFFICE

The Chair introduced Mr. Reedy as the newest member of the Board and Law Director, Stacy Wall administered the Oath of Office to Mr. Reedy.

MEETING MINUTES

The Chair made a motion to postpone the approval of the November 25, 2008 meeting minutes due to the absence of Mr. Jenkins and Ms. Harrison. The motion was seconded by Ms. Franz and all voted aye.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-09

A resolution nominating and electing the Committee chairperson and vice person for the 2009 calendar year was tabled due to the absence of Ms. Harrison and Mr. Jenkins. Motion made by the Chair, seconded by Ms. Franz. All voted aye.

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2. Resolution BZA 02-09

An appeal to the February 1, 2009 condemnation order pertaining to 408 N. Wayne St.,

The Clerk read the agenda item.

Mr. Boeke offered staff comments noting that a condemnation order was sent to Absolute Construction Management on February 3, 2009. The condemnation order informed Absolute Construction Management that the building was being occupied by tenants who did not have working restrooms in their apartments and that this was in violation of an existing condemnation order. The owner was also informed that the building had to be completely vacated by 2-10-09.

Mr. Boeke indicated that Absolute allowed people to occupy apartments that were condemned and that only one apartment was in working order and allowed to be occupied. The Health Dept. attempted to allow Absolute to work on one apartment at a time, complete any needed work and then have that apartment re-inspected, un-condemned and re-occupied. Instead, numerous condemned apartments were rented to people that did not have the essential equipment needed (running water, toilets, bath room sinks, kitchen sinks). Un-permitted work was still going on in the occupied apartment by unlicensed plumbers in an attempt to renovate the building.

Chris Wesner, the attorney for Absolute Construction stated that the City listed Section 91.20 in the code as the violation. He stated that on 2-5-09 the property doors were secured by lock. On 4-8-08 he indicates that Mr. Boeke visited the property as a tenant was moving in and stated he could occupy the apartment. On several occasions inspectors were in the building and said that the property could be occupied. Mr. Wesner also provided his interpretation of Section 104.3 and 107 of the Code. Mr. Wesner's argument is that since the City did not provide the proper notice for the infractions, nor did the City provide reasonable time to make the corrections therefore, the order is not valid.

Mr. Yingst presented the Board with a package. Mr. Yingst reiterated that he did not receive any notification of any violations; just received notice that the building was unlocked. Mr. Yingst also explained that he never received a citation for anything. The Board accepted the packet as part of the record for Resolution 02-09.

Laura Schmidt with Coughlin Chiropractic spoke with regard to her property at 404 N. Wayne Street with is next door to the building. They have experienced shopping carts and trash from the tenants. There are parking issues, beer cans and bottles and tenants soliciting their clients for odd jobs. There is drug trafficking and Ms. Schmidt can attest to cabinets being delivered and the trucks being parked in Coughlin's handicapped spots. The traffic has caused an impact to their business.

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Jim Apple represents the Knights of Columbus and indicated that his building is adjacent to Mr. Yingst's property. Mr. Apple's building has a rubber roof on it and has spent thousands of dollars in repair with trash being deposited on the roof and cigarette butts thrown on the roof causing 75-100 patches for burn holes. He commented that it continues to be a problem.

Public Comment Closed

The Chair motioned to modify the condemnation order to permit occupancy in those units that have been brought up to code and approved by the Health Department and to continue to have a condemnation order for all units that are not suitable for dwelling until such units are brought up to code. The motion was seconded by Jean Franz. The modification to the condemnation order was passed with a vote of 3-0.

3. Resolution 03-09

A resolution to request a setback variance for a proposed addition to the principal structure located at 1508 W. High St.

The Clerk read the agenda item.

Mr. Schmiesing provided the staff report for the City indicating the conditions necessitating this variance request are not the result of unique or peculiar circumstances rather the request to variance the setback provision from which the applicant seeks relief comes as a result of the applicant's desire to create non-standard use condition in conflict with the zoning code requirements.

Brian Quinter the owner of the property spoke and indicated that he wants to do an improvement to the property. Two letters from neighbors, Donald Wells, Pastor of Piqua Baptist Church and Jeff & Stacey Weingandt were presented in support of Mr. Quinter's request indicating no objection to the requested addition. The letters were accepted by the Board as part of the record for Resolution 03-09.

Eric VanHoose with Buschurs Home Improvement outlined the structure.

Public Comment Closed

The Chair motioned to deny the variance application and the motion was seconded by Jean Franz. The resolution was denied with a vote of 3-0.

OTHER BUSINESS

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

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ADJOURNMENT

With no further business to conduct it was moved by the Chair and seconded by Ms. Franz that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:45p.m.