

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, JUNE 23, 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, Pat Jenkins
and Mark Spoltman

Members Absent: Rebecca Harrison

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Brian Lucas, Codi Lucas, Tony Homer, Melissa Forsythe,
Pam Mowery, Audrey Williamson, Patrick Williamson,
Rebecca Roe, Nancy Holt, Chet Osborn, Brad Boehman.

The Chair moved to excuse Rebecca Harrison from the meeting and all were in agreement.

OATH OF OFFICE

The Chair introduced Mark Spoltman as the newest member of the Board and the Clerk administered the Oath of Office to Mr. Spoltman.

MEETING MINUTES

Jimmie Reedy made a motion to approve the April 28, 2009 meeting minutes. The motion was seconded by Pat Jenkins and the vote of 4-0 was recorded.

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OLD BUSINESS

1. Resolution BZA 01-09

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2009 calendar year.

Chairman Reindel suggested the item should continue to be tabled until all members are in attendance. All members in attendance agreed and the item remained tabled.

NEW BUSINESS

2. Resolution BZA 04-09

An appeal of the enforcing official's interpretation of the zoning code special use permit procedure.

The Clerk read the agenda item.

Mr. Schmeising presented staff comments indicating that the proposed use is not defined within the zoning code and is not listed as principal permitted use or special use with the zoning code. The code includes a provision that allows the Planning Commission to consider as a special use those uses not listed as principal or special use within the zoning code. Therefore, the Planning Commission may consider a special use permit request to allow the proposed use with the Open Space zoning designation of the subject property.

Mr. Homer addressed the Board and argued that the code does not indicate the property has to be owned by a public entity to be public and that the proposed use meets the Public Recreation Facilities use definition.

Chet Osborn, President, Shawnee Neighborhood Association addressed the Board and presented a signed petition indicating they are against the ball fields.

Pat Williamson also addressed the Board indicating he is concerned with parking and vandalism issues.

Chairman Reindel closed the public comments period and the board members deliberated on the item. Mr. Spoltman stated his agreement with staff's report on this matter and cited as a finding of fact that the proposed use as it has been described and presented is not a public use, and therefore is not defined by the code definitions referenced. Mr. Reindel, Mr. Reedy, and Mr. Jenkins all stated their agreement with Mr. Spoltman's observations and the staff report.

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Mark Spoltman made a motion to affirm the enforcing official's decision and the motion was seconded by Steve Reindel. All members were in agreement and the vote of 4-0 was recorded to affirm the enforcing official's decision.

3. Resolution BZA 05-06-07-09

A request to variance (1) private garage (2) side yard set back and (3) rear yard setback requirements for a private garage and a driveway to be located at 205 Cedarbrook.

The Clerk read the agenda item.

Mr. Schmiesing presented staff comments recommending approval with the condition that the setback dimension of one (1) foot be maintained between the structure face of the proposed private garage improvement and all property lines.

The property owner, Brian Lucas addressed the Board indicating that he accepted the staff's condition regarding the one foot setback.

No other persons approached the lectern to speak on this matter.

The board members deliberated on the item and cited their agreement with the finding of fact and conclusions drawn in staff's report.

A motion to approve the request with the proposed condition was made by Pat Jenkins and seconded by Mark Spoltman. All members were in agreement and the vote of 4-0 was recorded.

4. Resolution BZA 08-09

An appeal to the condemnation order of 408 N. Wayne St.

At the request of counsel for the applicant, this matter was continued and will be heard at the next regularly scheduled meeting.

OTHER BUSINESS

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

ADJOURNMENT

With no further business to conduct it was moved by Pat Jenkins and seconded by Steve Reindel that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:00 p.m.