

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, JANUARY 26, 2010

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".

ROLL CALL

Members Present: Steve Reindel, Chair, Mark Spoltman, Vice Chair,
Rebecca Harrison and Pat Jenkins,

Members Absent: Jimmie Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Gretchen Kennett, Owner, One Stop Auto Sales, David
Williams, Lackner Signs

The Chair moved to excuse board member Jimmie Reedy. Mr. Reindel indicated he had spoken with Mr. Reedy regarding his interest in serving as Chair or Vice Chair of the Committee and Mr. Reedy said he was not interested in either position. Mr. Jenkins seconded the motion to excuse Mr. Reedy and members were in agreement.

MEETING MINUTES

Pat Jenkins made a motion to approve the August 25, 2009 meeting minutes. The motion was seconded by Rebecca Harrison and all voted aye.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-10

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2010 calendar year.

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After the procedures for appointing a Chair and Vice Chair were read and the declaration of candidacy was recorded, Mark Spoltman made a motion to nominate Steve Reindel to serve as Chair. Rebecca Harrison seconded the motion and all voted aye. Mr. Reindel will serve as Chair for the 2010 calendar year.

Mark Spoltman made a motion to nominate Rebecca Harrison as Vice Chair. Pat Jenkins seconded the motion and all voted aye. Mrs. Harrison will serve as Vice Chair for the 2010 calendar year.

2. Resolution BZA 02-10

A request for a variance to the parking lot located at 741 Staunton Street to allow the change from asphalt to gravel in the private utility lot.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating:

The conditions necessitating this variance request are not the result of unique and peculiar circumstances found at this location; rather, the request to variance the parking surface provision from which the applicant seeks relief comes as a result of the applicant's desire to not pave the subject area. Approving this request will result in a substantial increase in the degree of the nonstandard conditions that exist in relation to the parking facilities found at this location. However, the proposed gravel parking surface, under the circumstances present and given the location proposed, would not be inconsistent with the improvements surrounding this location. In particular if the applicant provides screening in the proposed fencing/barrier control to obscure the visibility of the nonstandard condition from public view. Therefore, it is staff's conclusion that if authorized, the variance would yield the property owner a reasonable use of the property; the proposed variance would not result in a substantial deviation from the code requirements; the proposed improvements would not substantially alter the character of the neighborhood or be a detriment to the adjoining properties; the variance would not adversely affect the delivery of government services; the variance would not relieve the property owner from conforming to all other applicable standards; the variance would solve a problem that can not be remedied by other means; and, the variance would preserve the spirit and intent of the zoning requirements and serve substantial justice with reference to the circumstances and conditions known to exist within the neighborhood concerned.

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It was Mr. Schmiesing's recommendation that the Board approve the variance with the modification to the requested variance, being as follows:

The proposed gravel parking surface area shall be screened from public view with fence screening and or landscaping features.

Mr. Spoltman questioned the diagram indicating it is proposing a chain link fence. Mr. Schmiesing responded that there is a fence now and in conversations that he has had with the owner of the business it was indicated that the fence would be extended and include a sliding gate and lattice so that the lot would not be visible. Mr. Spoltman wanted to know if the fence would encompass the entire area and the answer by Mr. Schmiesing was yes and that there would be additional landscaping done if needed. Mr. Spoltman also questioned the timing of the project. Mr. Schmiesing indicated that the applicant was eager to get started on the project but of course the weather would dictate that.

Mr. Jenkins made a motion to approve the resolution.

Mr. Spoltman commented that he agreed with the staff comments and the recommendation to approve the resolution with the conditions stated in the staff comments. **Mr. Spoltman moved to amend the resolution to include the wording "provided the parking area meets the zoning code requirement for gravel lots and the entire south side is screened including the gate.**

Mr. Jenkins moved to approve the resolution as amended and Mr. Spoltman seconded the motion. The resolution was approved as amended with a vote of 4-0.

3. Resolution 03-10

A request for a variance to increase the size of the sign located at 8750 North County Road 25A from 50 SQ. FT. to 78.33 SQ. FT.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating:

The conditions necessitating this variance request are not the result of unique and peculiar circumstances found at this location. Approving this request will result in a substantial deviation from the applicable code requirements. While signs of similar size and shape exist nearby, all of these signs were installed prior to the community updating sign standards in 2006. Therefore, it is staff's conclusion that authorizing the variance is not necessary to allow the owner a

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reasonable use of the property; authorizing the proposed variance would result in a substantial deviation from the code requirements; the proposed improvements would not substantially alter the character of the neighborhood or be a detriment to the adjoining properties; the variance would not adversely affect the delivery of government services; the variance would not relieve the property owner from conforming to all other applicable standards; the variance would not solve a problem that can not be remedied by other means; and, the variance would not preserve the spirit and intent of the zoning requirements and serve substantial justice with reference to the circumstances and conditions known to exist within the neighborhood concerned.

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals deny the requested variance.

Gretchen Kennett presented to the Board that she is the owner of One Stop. This is the company's fourth location and that all of the signs at the other locations are the same as the one being proposed. Ms. Kennett indicates that the bottom reader generates a lot of sales and that the sign is exactly like the sign at the location down the road. She is requesting the same opportunity as her competition.

David Williams with Lackner Signs addressed the Board and presented them with color copies of examples of different signs from his company. Mr. Williams indicated that he understood that the code had changed. His client is asking for allowance to advertise the same way all of the other businesses in the area do. He pointed out that it is the same sign as Car and Credit has and he does not feel the sign is prohibitive as it is in line with everything else out there. He explained that the reader board is important. He went on to say that the sign has a clean and simple design, is effective in advertising and would last 20 years easily.

Mr. Spoltman asked if the sign was a standard size or if they are all custom made to which Mr. Williams responded they are all custom made.

Public comment was closed and the Board deliberated. Mr. Reindel indicated that what this comes down to is a request for what the applicant feels is proper for advertisement v. code requirements from 2006. On one hand, we have advertising and we also have to take the community into consideration.

Mr. Spoltman had similar problems with the request. Mr. Spoltman asked staff if there have been new signs erected that meet the code since the code changed. Mr. Schmiesing indicated that there have been locations that are similar to this corridor and have been able to work to a solution. An example is the Dairy Queen on Rt. 36 - they did not include a reader panel but it was designed to include one. There is another on Sunset - Marcos Pizza.

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Mark questioned the billboard sign. Mr. Schmiesing responded that the billboards are "grandfathered". The community has expressed their concern indicating they are undesirable.

Mr. Jenkins indicated he didn't think it was unreasonable to grant this sign in lieu of the neighborhood it is in and he does not object to the variance.

Mr. Reindel indicated that the Board had ruled against applicants in the past.

Mrs. Harrison commented that there are 2 businesses in the area that are out of business and she commends what the applicant is trying to do.

Mr. Jenkins asked if the neighbors were notified and Mr. Schmiesing provided him with a copy of the mailing list. There were no neighbors present to object.

Mr. Reindel explained that the difficulty in this case is dealing with what might be appropriate and what the community has adopted for the sign code.

Mr. Jenkins made a motion to approve the resolution. Mrs. Harrison seconded the motion. Mr. Reindel and Mr. Spoltman voted against the approval. The vote was 2-2 and therefore the resolution was denied.

4. Resolution 04-10

A request to variance the landscape with exposed pole supports at 8750 North County Road 25-A.

Staff report recommends denial.

Mark Spoltman requested some examples of pole covers.

Mr. Schmiesing indicated that typically pole covers are fabricated and that masonry is preferred in our code. The requirement calls for the support to not be visible.

Gretchen Kennett addressed the Board indicating that she is not opposed to landscaping the poles and that they wanted to get the sign approved and then address the landscaping.

Mr. Spoltman indicates that the code is clear regarding landscaping. Mr. Reindel agrees. Mr. Spoltman opts to deny the request for the variance.

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Mr. Jenkins made a motion to deny the resolution. Mark Spoltman seconded the motion and a vote of 4-0 was recorded. The resolution is denied.

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 Mark Spoltman and seconded by Rebecca Harrison that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:15 PM.