

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, SEPTEMBER 24, 2013

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Chairperson Steve 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 Chairman asked all persons present to stand and raise their right hand. The Chairman 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, Mike Taylor, Skip Murray, and Dan Henthorn.

Members Absent: Dan Patrizio

Staff Members: Chris Schmiesing, Becky Cool

Attendees: Frank Patrizio,

Motion was made by Mr. Taylor, seconded by Mr. Murray to excuse Mr. Patrizio from the September 24, 2013 Board of Zoning Appeals Meeting. Voice vote, Aye: Mr. Henthorn, Mr. Taylor, and Mr. Murray, and Mr. Reindel. Nay: None.

MEETING MINUTES

Approval of the August 27, 2013 Board of Zoning Appeals minutes. Moved by Mr. Henthorn, seconded by Mr. Murray. Roll call, Aye; Mr. Henthorn, Mr. Taylor, Mr. Murray, and Mr. Reindel. Motion carried on a 4-0 vote. Minutes were approved.

NEW BUSINESS

Resolution 05-13

A Resolution requesting a variance to eliminate the landscape/flower box around the new sign post

City Planner Chris Schmiesing explained the applicant is requesting a variance to eliminate the landscape/flower box around the new sign post at the property located at 1305 E. Ash Street, Aarons Inc.

This relates to a previous non-conforming sign at that location that was destroyed in a wind storm. The current sign code requires landscaping to be placed around the new sign. The variance request is to eliminate the landscaping around the new sign, as they only have a

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small area, located in the parking lot. Landscaping by Zoning Code definition is grass, trees, shrubs, flowers, or any vegetation. They have met the rest of the current sign regulations at this time except for the landscaping, stated City Planner Schmiesing.

There was discussion regarding other signs in the area, and if they have landscaping around them. It was noted that several of the recent signs, Taco Bell, Grill and Chill, and Verizon Wireless have all complied with the current sign code regulations since the adoption of the new sign code.

Mr. Murray stated he was a little confused why the Board of Zoning Appeals was hearing this variance request as it does not fall in line with any of the normal reasons listed in the resolution. Mr. Schmiesing explained the reason for the Board of Appeals is reviewing this particular sign, and would fall under the unique and peculiar circumstance. All items of the new code requirements have been discussed with the applicant and they are aware of the requirements, thus the variance request. There were several questions regarding the reason for the landscaping being added in the 2006 code changes, and Mr. Schmiesing explained. There was discussion of all of the necessary requirements and if they have all been complied with except the landscaping.

It is the recommendation of the staff to approve the variance at this time.

Frank Patrizio, attorney representing I.D. Associates, Applicant, came forward and provided further information regarding the request for the variance for the elimination of landscape/flower box around the sign post located at Aarons Inc., located at 1305 E. Ash Street.

There was discussion on the location of the sign in regards to the parking lot, and it is already located in the pavement, utilizing the existing posts.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. Resolution 05-13 at this time.

BOARD COMMENTS

Mr. Murray stated he does not believe this is something the BZA Board looks at normally, and does not feel any of the comments listed in the resolution apply to this particular variance request. Mr. Murray further stated he was concerned that by allowing the variance to

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eliminate the landscaping it would be setting a precedent. Mr. Murray stated he understands the reason for the request at this time and does think it is an unreasonable request.

Mr. Henthorn stated he understood the reason for not wanting to put the landscaping around the sign, but also voiced his concern this may be setting a precedent.

Mr. Taylor stated he is ok with having just the grass around the sign and not installing a flower box. But if the pavement were to be removed three feet around the sign for the flower box would it impede the traffic coming in and out of the parking lot? Mr. Schmiesing explained. Mr. Patrizio also explained the reason for not locating the flower box in the pavement.

Mr. Henthorn inquired as the Board of Zoning Appeals do they have the authority to amend or make a change to the required distance? Mr. Schmiesing explained what the applicant is asking is that there be no landscaping required from the edge of the payment to the sign, and be able to locate the sign in the original location.

Mr. Schmiesing stated he understands the difficulty the Zoning Board is having with this particular variance request.

Mr. Patrizio provided a photo of the area on his cell phone showing the area in question to the members of the Board at this time.

Mr. Reindel stated this is a non-conforming sign; and there are no safety issues regarding this sign; they are bringing the sign area into compliance except for the variance request for the landscaping; there is grass to the west of the sign and is approaching compliance; reasonable use of the land, cost is not a reason to grant the variance.

Mr. Reindel stated in the past there have been cases the Board has ruled in favor of the applicant that has almost been in compliance with a particular code. Personally this is almost in code, and the variance being requested is pretty close to being in compliance.

Mr. Taylor stated he feels that the Board may be creating an unusual problem by requesting the change to be in compliance.

Mr. Reindel asked what the alternatives are? Mr. Schmiesing stated he provided the applicant with ways to meet the requirements and explained.

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Mr. Murray asked how long has the Aaron's Store been located at the address in question? No one was quite sure, but it was noted the sign was damaged in the storm in July of 2012.

After a brief discussion all Board members present were in agreement to grant the variance at this time based on staff comments heard, and comments from the applicant.

Moved by Mr. Murray, seconded by Mr. Henthorn to approve the variance as requested. Roll call, Mr. Henthorn, Aye; Mr. Reindel, Aye; Mr. Murray, Aye. Mr. Taylor, Nay. Mr. Taylor stated it sounds like there is an opportunity to eliminate a parking space for them to come into compliance. Resolution 05-13 passed on a 3-1 vote.

OTHER BUSINESS

None

ADJOURNMENT

With no other business before the Board, a motion was made by Mr. Murray, seconded by Mr. Henthorn. With all those present in favor the meeting was adjourned at 6:50 P.M.