

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, SEPTEMBER 24, 2019
MUNICIPAL GOVERNMENT COMPLEX -COMMISSION CHAMBERS

CALL TO ORDER

At approximately 6:00pm Chairperson Skip Murray 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: Skip Murray, Cindy Pearson, David Fishback
Staff Members: Chris Schmiesing, Aaron Morrison

MEETING MINUTES

Approval of the minutes of May 28, 2019 Board of Zoning Appeals Meeting. Meeting minutes were approved.

NEW BUSINESS

Resolution No. BZA 03-19

A resolution to consider an appeal of the decision of the enforcing official regarding a notice of code violation and the condemnation of 620 Broadway.

Aaron Morrison, Code Compliance Coordinator provided staff report.

Several calls and neighborhood complaints were received in July regarding 620-622 Broadway. One of the complaints noted open and unlocked doors, causing safety concerns to the neighborhood. After inspection of the property, it was determined that the structure was unsafe. Utilities were turned off, making the structure inhabitable. It was noted that the utility disconnection alone makes the property condemnable. No building permits have been pulled for anticipated work. There have been no signs or indication of updating the structure in several years. Aaron noted the deadline of this property maintenance case is September 26, 2019. He explained that during this process, it is not uncommon to work with the owners by giving an extension to the given timeframe. It was clarified that the definition of condemn is that the structure is unsafe for human occupancy.

Lisa Brown, owner of ALB Investments LLC and owner of 620 Broadway came forward. She stated that she and her husband, Antone Brown, purchased the subject property at sheriffs' sale in 2008. She noted

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that when it was purchased, it was unlivable. A new roof, siding and other upgrades to the exterior were made at that time. Renovation work began when the real estate market went under, making it difficult to continue work. The home has not had a tenant since purchased in 2008. Lisa clarified that the intention is not to have a tenant until the property is completed and safe. She made note and acknowledged several of the items in the condemnation notice. She commented that although the issues are there, no one will be living in the house. Lisa noted that her husband recently had surgery. She stated that it was not possible to work on the house or create a timeframe for the plan of work at this time. Concern was also expressed on not being able to enter the property to do future work.

Chris Schmiesing, Director of Community and Economic Development, provided additional staff comment. It was noted that the condemnation stands until issues with the property are resolved. When a code violation issue is identified with a property, violations are attached to the property until owners have corrected. He reiterated that it is not uncommon to work with the owner to determine a reasonable timeframe. Approval will be granted to the owner and contractor to enter the home for work to be completed.

Antone Brown, owner of ALB Investments LLC and owner of 620 Broadway came forward. He expressed his concern of the property being demolished now that it labeled condemned. He asked for clarification on the appeal processes.

Chris Schmiesing clarified that the city uses a property maintenance code as well as a nuisance code, both appeal processes are administered by the Board of Zoning Appeals. It was noted that the next steps should involve a path for moving forward, including a reasonable timeframe and a work plan.

Skip Murray stated that the agenda item is to consider the appeal of the decision of the condemnation of 620 Broadway. He noted that the owners of the property have recognized that the property is unlivable and that there is no doubt that the property is condemned by definition.

After no further public comment or deliberation, a motion was made by David Fishback and seconded by Cindy Pearson to approve the decision of the enforcing official. Resolution No. BZA 3-19 was approved on a 3-0 vote.

Resolution No. BZA 04-19

A resolution requesting a variance to increase the maximum height and area of a primary attached sign located at 1035 W Greene Street.

Chris Schmiesing, Director of Development provided the Staff Report.

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The applicant is requesting a variance for the replacement of an existing legacy sign. The updated sign will be smaller than what is currently there, however, since it is larger than the code allowance it was brought to the Board of Zoning Appeals. Staff has no objection to the variance.

Tayte Lutz, 1034 W Greene, applicant came forward. She asked for consideration of the board and noted the photo rendering. She stated that the sign will be improving the look for the business as well as community image.

After deliberation, a motion was made by Cindy Pearson and seconded by David Fishback to approve the variance request. Resolution No. BZA 4-19 was approved on a 3-0 vote.

OTHER BUSINESS

None

ADJOURNMENT

With no other business before the Board, a motion was made and seconded to adjourn the meeting. With all those present in favor the meeting was adjourned at 6:41 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, Administrative Assistant, City of Piqua Development Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.