

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
MUNICIPAL GOVERNMENT COMPLEX –COMMISSION CHAMBERS
6:00 P.M. – TUESDAY, SEPTEMBER 22, 2020

TO ORDER

At approximately 6:00pm Chairperson Skip Murray called the meeting to order. The Introductory Statement of BZA Duties were outlined as well as the order of business to be followed. Meeting conduct procedures were reviewed and those in attendance were sworn in. All present were asked to stand and raise their right hand. The Chairman administered an oath to all 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 present stood and took the oath to tell the truth with all persons present stating "I do".

ROLL CALL

Members Present: Skip Murray, Joe Wilson, April Dankworth, Wayde Davis
Absent: David Fishback

MEETING MINUTES

Approval of the minutes of August 25, 2020 Board of Zoning Appeals Meeting minutes were approved.

NEW BUSINESS

RESOLUTION BZA 09-20

(Skip Murray, Chair, requested that 09-20 be heard first, as it was estimated to be a quicker item to consider.)

A Resolution requesting a variance to construct an area of parking surface with an aggregate material in an I2 zoning district at parcel N44-10090.

Kyrsten French, City Planner provided the staff report.

Kyrsten noted that 226 RM Davis hosts US Storage Centers, a self-service storage facility. The front two-thirds of the lot is developed with a paved asphalt surface. The applicant has requested to construct the last third of the lot with an aggregate material to site RV storage. Heavy equipment storage is a principal permitted use in this I2 zoning district. An additional plan, not pertaining to the variance request directly, is to fence the perimeter of the site for security.

City staff discussed with the applicant concerns about aesthetics of the proposal. Given the metal construction of the storage building, the gravel lot, and the RV storage use to be hosted, the applicant has proposed to screen the entire north side of the site with tree plantings, as well as the south side of the site where the gravel lot is proposed.

Tom Dusa, site engineer and applicant, spoke on the item. He clarified and explained what was shown on the site plan that was submitted with the agenda packet.

The board deliberated and agreed that similar variances have been granted for gravel storage pads in industrial districts. In most cases, those pads were in the rear yard and vegetative screening was proposed.

After no further public comment or deliberation, a motion was made by Joe Wilson and seconded by Wayde Davis. Resolution BZA 09-20 was approved with a 3-0 vote, with April Dankworth absent for this item.

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RESOLUTION BZA 10-20

An appeal of PC 24-20, the authorization for an automobile washing Special Use granted by the Planning Commission for 1292 E. Ash St

Kyrsten French, City Planner provided the staff report.

It was explained that the automobile washing Special Use authorization was recommended by staff and approved by the Planning Commission on August 11, 2020. S&P Sales, LLC filed an appeal to this decision. The special use process, Planning Commission duties, Board of Zoning Appeals duties and notification procedures were described. Kyrsten provided her opinion that in her experience as a planner, land use decision do not typically take into account the subject of business competition, and instead focus more strictly on physical site characteristics to make a decision, and that that was the type of analysis and discussion that took place during the Planning Commission hearing. Kyrsten noted the four letters that were received in favor of the appeal. A letter written by the city's Law Director, Frank Patrizio, was also read aloud.

Before applicant and citizen testimony, Chairman Skip Murray read 154.142(C) of the Piqua Ohio Code of Ordinances, Jurisdiction of the Board of Zoning Appeals. He noted that this body has no jurisdiction to overturn the decisions of the Planning Commission.

Todd Bryant, attorney for S&P Sales, LLC, 122 N Main St – Troy, came forward. He noted that before taking this item to The Miami County Court of Common Pleas, administrative remedies and the option to appeal to the BZA needed to be exhausted. He read aloud the items that the Planning Commission considers in their voting decision. He discussed the definition of 'adjacent property' as it pertains to land use decisions to argue that his client did have standing to appeal the decision. He explained that the particular nature of car washes warranted the consideration that two car washes should not be allowed in such close proximity to one another. His argument as stated was that the proximity would inevitably cause one facility or the other to close, leaving a new vacant property and creating a blighting issue for the public.

Derek Potts, owner of Soak N' Suds, 6360 Newberry Washington Rd – Piqua, came forward. He noted how he was a local owner who had been excited to be a part of the Piqua community, had invested heavily into his facility, but would face severe challenges with a new car wash just a couple hundred feet away. The proposed Magic Tunnel plans and the flow of traffic were also discussed.

Lee Lochtefeld, partner of Soak N' Suds, spoke via Zoom from a procedural prospective. He asked for clarification on the four points that the Planning Commission considers in their votes. Carwash competition and upkeep were also discussed.

Andrew Crum, owner of Magic Tunnel, 9289 Donatello Dr – Dublin, came forward. He spoke about the differences between types and styles of carwashes, hours of business, and addressed the flow of traffic concern. He noted the increased pedestrian connectivity and generous landscaping that has been integrated into the design. He argued that the new carwash facility would improve the old Sonic site, increase income to the City and County through property and income taxes and would provide a desirable product and an additional employment opportunity to Piqua residents.

The Board deliberated and agreed that the request to appeal the Planning Commission's vote was outside of the jurisdiction of the Board of Zoning Appeals body and declared that item BZA 08-20 would not be voted on as written in the agenda packet. A motion was made by Joe Wilson to instead vote on whether there was any administrative error that took place in preparation for or during the Planning Commission hearing for PC 24-20.

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After no further public comment or deliberation, a motion was made by Joe Wilson and seconded by Skip Murray. The new Resolution BZA 010-20 reading "A resolution to affirm that the city administrative official acted properly to conduct a public hearing for a Special Use authorization for PC 24-20" was approved with a 3-0 vote, with one recusal made by Wayde Davis.

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 7:08 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, 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.