

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
MUNICIPAL GOVERNMENT COMPLEX – COMMISSION CHAMBERS
6:00 P.M. – TUESDAY, MAY 25, 2021

TO ORDER

At approximately 6:00pm Acting Chair Wayde Davis 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".

Wayde introduced the newest member of the Board of Zoning Appeals, Wayne Davey.

ROLL CALL

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

MEETING MINUTES

Approval of the minutes of February 23, 2021 Board of Zoning Appeals Meeting minutes were approved by voice vote.

NEW BUSINESS

RESOLUTION BZA 03-21

A Resolution nominating and electing the Board of Zoning Appeals Chair and the Vice Chair for the 2021 calendar year

The board deliberated and decided to table this item because the full board was not present. Joe Wilson made a motion to table resolution BZA 3-21 and April Dankworth seconded the motion.

After no further public comment or deliberation, a motion was made by Joe Wilson to table Resolution BZA 03-21 and seconded by April Dankworth. Resolution BZA 03-21 was tabled with a 4-0 vote.

RESOLUTION BZA 04-21

A Resolution to consider a variance for a driveway at a new residential construction 2904 Nadene Drive Kyrsten French, City Planner provided the staff report.

Kyrsten noted that the applicant, Indian Ridge Builders, has requested a variance to build a driveway for a new residence to 35' and 3", beyond the 24' maximum driveway width allowed for a residential site. Piqua has a variety of residential lot sizes and types. A range exists for a minimum and maximum driveway width for residential districts (10' to 24'). In most cases, due to traffic volumes, need to retain on-street parking, density of driveways and potential for conflicts with pedestrians, large curb cuts are not desirable. Lot sizes also are on average small enough that it is undesirable to allow a disproportionately large driveway relative to the total lot area, both for aesthetic and stormwater reasons.

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On Nadene Dr, an average larger lot width of 80', and general orientation toward cars as a primary mode of transportation means that the occasional larger curb cut should not pose any safety or comfort concerns to neighbors or pedestrians. This particular lot has a width of 100'.

The board deliberated and agreed that similar variances have been granted and that this request was reasonable given the location and circumstances.

No one from the public came forward to speak on this item.

After no further public comment or deliberation, a motion was made by Joe Wilson and seconded by April Dankworth. Resolution BZA 04-21 was approved with a 4-0 vote.

RESOLUTION BZA 05-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a fuel station at 5580 N. Co Rd 25A

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property from the time it was condemned in 2017. The city has made contact with the owner of record as well as the owner's attorney in hopes of the owner releasing the mortgage to the city. The owner was not willing to negotiate on the asking price. Frank went on to discuss the process that the city would take in order to put the property back into productive use. It was noted that Mr. Panday, the appellant, is a mortgage holder and not the owner of record.

Nawal Pandey, appellant and mortgage holder of 5580 N. Co Rd 25A, came forward to speak on the item. Mr. Pandey noted that those who were originally operating the property did not take proper care of it. He discussed that there is currently no water or sewer connection, and that it was his understanding that the condemnation order was related to the lack of water service, and was not aware of additional property maintenance issues. Mr. Pandey was noticed and put into contact with the Code Compliance Coordinator. Mr. Pandey noted that he began correcting the property maintenance issues cited in the notices as soon as he became aware of them and elaborated why the unresolved issues had not been remediated.

Joe Wilson stated for the record that the property's water issues were mandated by the State of Ohio EPA. Originally, the property's well had gone bad and that was the reason for the lack of water at the area. The rocky composition of the soil makes it expensive to extend city services to the facility, but Mr. Pandey said that he desired the City's help to make that connection.

Frank Patrizio, City of Piqua Law Director, came forward once again and noted that the title search on the property states that the mortgage was assigned to Mr. Pandey in 2019, after the property was condemned. The property has thousands of dollars of back taxes. It was also reiterated that the appellant is not the property owner. Frank went on to discuss Brownfield cleanup grant that this site is well positioned for.

Chris Schmiesing, Community and Economic Development Director, came forward to speak on the item. Chris noted that this property has been vacant and unused for a number of years due to no water supply. He discussed that the condemnation of this property was originated by the Ohio EPA. The Ohio EPA monitors the testing of wells, and in this case, the water supply was contaminated. There were multiple conversations between the city and the owner, as well as with Mr. Wright, the owner's attorney. No agreements were made. Chris noted that it is typically the developer's responsibility to extend water and sewer to a property if it is not already

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connected. It was also noted that it is not unusual for a city to require municipal water and sewer, rather than well use, after issues with contamination.

Chris explained that 70% of code compliance issues result in voluntary compliance. There is a small percentage of issues that go completely unresolved because the owner is absent or refuses obligations as the property owner. The raze and/or repair process was explained as well as the abandoned fuel station program and expedited foreclosure process with Miami County. He reiterated that the property is well suited to receive grants to put the property back into productive use. The quotes that have been received are estimated at \$8,000 of due diligence.

The board members discussed and asked for clarification on the defunct corporation of the owner of record. The board members asked Aaron Morrison, Code Compliance Coordinator, for clarification on the codes that were annotated on the notice.

Mr. Pandey came forward and asked questions regarding the BZA procedures. It was noted that the procedures, final resolution and meeting minutes would be emailed to him once available.

No one else came forward to speak on this item, and the owners of the property did not attend the meeting.

The board deliberated further and discussed that the property has been vacant and unused for at least 4 years. The board agreed that the owner of the property had been noticed and aware of the issues for a fair length of time.

After no further public comment or deliberation, a motion was made by April Dankworth to approve the decision of the enforcing official and was seconded by Joe Wilson. Resolution BZA 05-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 06-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a church structure at 624 Broadway

Kyrsten French noted that neighbors have called concerning this item and are in favor of the demolition, and that despite the historic nature of the property and the exterior appeal, the interior of the property had fallen into disrepair. The windows had not been secured, water had been allowed to enter for years, and the foundation was compromised.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for questions.

No one else came forward to speak on this item.

The board deliberated and discussed that this property has been abandoned for quite some time. The owners of record are absent and the building, which used to be a place of worship, is now an unsafe structure and eyesore to the community.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by April Dankworth. Resolution BZA 06-21 was recorded and approved with a 4-0 vote.

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RESOLUTION BZA 07-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 500 McKinley Ave

After no further public comment or deliberation, a motion was made by Wayne Davey to approve the decision of the enforcing official and was seconded by Joe Wilson. Resolution BZA 07-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 08-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 429 Young St

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for questions.

Chris Schmiesing, Community and Economic Development Director, came forward to speak on the item. Chris noted that there are significant back taxes on the property.

The board deliberated and noted that the structure appears to be vacant and unsafe and has been for quite some time. They were all in agreement that the code enforcer's decision was fair and valid.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by Wayne Davey. Resolution BZA 08-21 was recorded and approved with a 4-0 vote.

RESOLUTION BZA 09-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 321 S Roosevelt

Frank Patrizio, City of Piqua Law Director, noted that this item would be removed from the agenda discussion. The owner of the property moved forward with demoing this property himself.

Joe Wilson motioned to remove this item from the agenda and April Dankworth seconded the motion. Resolution BZA 9-21 was removed from discussion with a 4-0 vote.

RESOLUTION BZA 10-21

A Resolution to consider the decision of the enforcing official concerning a demolition order for a residential structure at 218 College St

Kyrsten French noted that no neighbors have called regarding this item.

Frank Patrizio, City of Piqua Law Director, came forward to speak on the item. Frank went over the timeline of the property and noted that he and other staff members are available for

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questions. He also noted that the owner of the property was made aware of the meeting and did not plan to attend.

The board deliberated and noted that the structure appears to be vacant and unsafe and has been for quite some time. They were all in agreeance that the code enforcer's decision was fair and valid.

After no further public comment or deliberation, a motion was made by Joe Wilson to approve the decision of the enforcing official and was seconded by April Dankworth. Resolution BZA 10-21 was recorded and approved with a 4-0 vote.

OTHER BUSINESS

The board asked if there were more properties that would be considered for the demolition process. Chris Schmiesing explained the process and confirmed that there would be more to come as funding is made available.

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 7:25 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.