

BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, APRIL 28, 2009
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

SWEARING IN

MEETING MINUTES

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-09 A resolution nominating and electing the Planning Commission chairperson and vice chairperson for the 2009 calendar year.
2. Resolution BZA 02-09 An appeal to the February 1, 2008 condemnation order pertaining to 408 N. Wayne Street.
3. Resolution BZA 03-09 A resolution to request a setback variance for a proposed addition to the principal structure located at 1508 W. High Street.

OTHER BUSINESS

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, NOVEMBER 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Chairperson Mr. Reindel called the meeting to order. Mr. Reindel read the Introductory Statement of BZA Duties and outlined the order of business to be followed. Mr. Reindel reviewed the meeting conduct procedures and swore in those persons in attendance. Mr. Reindel asked all persons present to stand and raise their right hand. Mr. Reindel 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" and no persons present stating "opposed".

ROLL CALL

Members Present: Steve Reindel, Debbie Stumpff, Jean Franz, Pat Jenkins and Becky Harrison

Staff Members: Chris Schmiesing, and Joni Kakatolis

Attendees: Jim Vetter, Bill Holtvogt Eric Nelson, Ron Hertlein,
Jim Hiegel, David Pike and Frank Barhorst

MEETING MINUTES

Pat Jenkins moved to adopt the August 26, 2008 meeting minutes as submitted and Deb Stumpff seconded the motion. The minutes were unanimously adopted.

OLD BUSINESS

NONE

NEW BUSINESS

3. Resolution BZA 26-08

A petition to variance the set back requirements to allow a cellular/communication tower to be located on a lot with setbacks equaling a dimension less than the height of the tower, said tower to be located at 415 S. College St.

Ms. Kakatolis read the agenda item.

Mr. Schmiesing offered staff comments indicating that to attain compliance with the setback provision from which the applicant seeks relief can be achieved without the requested variance. If the property owner would replat the individual and adjacent parcels into one, and were to make an adjustment to the cell tower height, the variance would not be necessary to attain compliance with the required setbacks.

David Pike, Legal Group, LLC addressed the Board and introduced Ron Hertlein, Bill Holtvogt and Eric Nelson.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, NOVEMBER 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Pike began by indicating that he would like to amend the application to reflect a tower height of 125 feet, not 185 feet as originally submitted. He also noted Mr. Holtvogt is prepared to replat the lots as suggested by staff.

Deb Stumpff requested clarification on other towers in the area; specifications regarding security, visibility and placement. Ms. Stumpff also inquired if the design would change now being 125 feet and not the original 185 feet. All of these concerns were satisfactorily addressed by Mr. Pike.

Jean Franz had questions regarding the service area to which Eric Nelson responded indicating that the 125 foot tower is the lowest tower height that allows Verizon to service all of the city of Piqua, and also noted that the capacity of the existing tower will be exhausted in approximately 2 years.

Deb Stumpff inquired about the maintenance to which Mr. Pike responded that monthly maintenance inspections are required by FCC, they have a remote monitoring system and if there is a problem, Verizon is the first to be advised.

PUBLIC COMMENT

Jim Vetter, 714 S. Downing
President, Southview Neighborhood Association.

Expressed the concern that even with the height reduction, the tower is still a visual problem, presents an eyesore to the residents and questioned if the location chosen was the only location available to erect the tower.

Mr. Reindel clarified BZA's role regarding set back issues and thought it would be more appropriate for Mr. Vetter to address his concerns with the Planning Commission and Mr. Schmiesing to explain the purview of the Planning Commission in this matter.

Jim Hiegel
Gordon St. (specific address unknown)

Questioned whether Verizon looked at any other area outside of the neighborhood. Indicated that they should look at a higher tower so they do not have to relocate in the future.

Public Comment closed.

Mr. Reindel asked the board to acknowledge for the record the applicant's stated modification to the application submitted to reflect a 125 tower height in lieu of a 185 feet tower height.

All board members present acknowledged the modification to the application provided for their consideration.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, NOVEMBER 25, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Holtvogt indicated he was willing to combine the 2 westernmost portions of Outlot 11 that are under his ownership.

A vote was taken and recorded as follows:

Pat Jenkins	AYE
Steve Reindel	AYE
Deb Stumpff	AYE
Jean Franz	NAY
Rebecca Harrison	NAY

OTHER BUSINESS

It was noted for the record that there was no other business.

ADJOURNMENT

With no further business to conduct it was moved and seconded that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:20p.m.

RESOLUTION BZA 01-09

PURSUANT TO, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations as originally adopted August 6, 2002, the Board of Zoning Appeals Chairman and Vice-Chairman shall be elected annually; and,

WHEREAS, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations states the Board of Zoning Appeals shall appoint chairman and vice-chairman by a majority vote in the month of January, or at the first regularly scheduled meeting held during the calendar year; and,

WHEREAS, the Board of Zoning Appeals has nominated _____ as the chairman and _____ as the vice-chairman and both have agreed to serve in this capacity if appointed by the Board of Zoning Appeals;

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to _____ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member _____, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Pat Jenkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Steve Reindel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jimmie Reedy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PROCEDURES FOR APPOINTING A CHAIR AND VICE-CHAIR

Step One - Determination of interest in being nominated.

The chair will ask the secretary to call the role. When your name is called and you are asked if you are interested in serving in the chair or vice-chair position during the upcoming calendar year, respond by stating YES if you are interested, NO if you are not interested. The secretary will first ask if you are interested in serving as chairperson, you will respond, then the secretary will ask if you are interested in the serving as vice-chairperson, and you will respond again.

Declaration of candidacy.

Board Member	Chair		Vice-Chair	
	YES	NO	YES	NO
Mr. Pat Jenkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Steve Reindel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Deb Stumpff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Step Two - Nomination of Chair and Vice-Chair.

The chair will open the floor for nominations. Board members interested in making a nomination will choose from the eligible candidates identified in the previous step and nominate the individual for each position that they feel is best suited to serve in that capacity. The chair will close the floor only after each board member interested nominating a chair and vice-chair has had an opportunity to do so.

Chairperson _____

Vice-Chairperson _____

Step Three - Motion to accept nominated persons.

The chair will accept a motion to appoint a chair and vice-chair from the nominees identified in the previous step. Said nominees to be appointed are to be identified in the motion, and upon the motion receiving a second the chair will ask the secretary to call the role. Motions without a second will die. Seconded motions that fail to secure a majority vote (at least 3 supportive votes) will be considered defeated. The chair will accept a new motion and repeat the process until a majority vote is cast in support of a motion.

RESOLUTION No. BZA 02-09

,WHEREAS, Deron Yingst, on behalf of Absolute Construction Management LLC, owner of the subject parcel in the City of Piqua, Ohio, being in a district zoned CBD (Central Business District), has filed an appeal of the February 1, 2008 condemnation order pertaining to 408 N. Wayne Street.

WHEREAS, the City of Piqua Property Maintenance Code states:

Section 108.1.3 "A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or lacks maintenance, or other essential equipment required by this code."

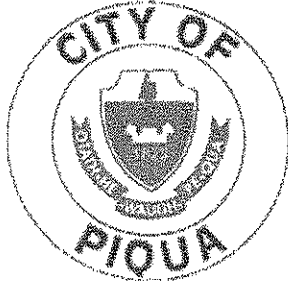
Section 501.2 "The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter."

Section 502.1 "Each dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition."

Section 504.1 "All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function from which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition."

WHEREAS, the Board of Zoning Appeals as defined by Section 154.142 of the City of Piqua Code of Ordinances shall be the authoritative body designated to hear and decide upon all matters related to an appeal of an action taken by the code official in the administration and enforcement of this code. The membership and organization of the board shall be set forth by Section 154.142 of the City of Piqua Code of Ordinances, and the procedures, rules and regulations adopted by the Board of Zoning Appeals shall govern the proceedings of this body in its consideration of any matter related to this code.

	Aye	Nay	Abstain	Absent
Mr. Jimmie Reedy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Steve Reindel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pat Jenkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



HEALTH DEPARTMENT

Chris Boeke – Enforcing Officer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050
E-Mail: cboeke@piquaoh.org

STAFF REPORT

March 31, 2009

To: Board of Zoning Appeals Members
From: Chris Boeke, R.S.
Subject: BZA Resolution 7-09

GENERAL INFORMATION

Applicant: Deron Yingst
Owner: Absolute Construction Management
Location: 408 N. Wayne St.
Zoning: Central Business District
Land Use
Existing: Multi-family dwelling unit
Proposed:
Request: The owner is requesting to allow people to live in the condemned building.

DISCUSSION/FINDINGS

A condemnation order was sent certified mail to Absolute Construction Management LLC at 239 Dream Catcher Dr., Kewaskum, WI, on February 3, 2009 after a search of the Miami County Auditors records indicated they were the owner of 408 N. Wayne St.

The condemnation order informed Absolute Construction Management that the building was being occupied by tenants who did not have working restrooms in their apartments and that this was in violation of an existing condemnation order. It also informed them that the building had to be completely vacated by 2/10/09.

Section 108.1.3 of the City of Piqua Property Maintenance Code states “**A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or lacks maintenance, or other essential equipment required by this code.**”

There were approximately thirteen (13) occupied units in the apartment section of the building. Absolute Property Management had been given permission to occupy one (1) of the apartments. None of these un-approved apartments had a completely functional restroom and/or kitchen, with all of the needed facilities. These are considered essential by the code.

Section 501.2 of the City of Piqua Property Maintenance Code states **“The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.”**

Section 502.1 of the City of Piqua Property Maintenance Code states **“Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition.”**

Section 504.1 of the City of Piqua Property Maintenance Code states **“All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.”**

Several of the occupied apartments did not physically have toilets, bathroom sinks, or kitchen sinks. Many did not have running water. Some of the sewage pipes were also uncapped, allowing sewer gas to enter the apartment. No one was given permission to re-occupy these apartments

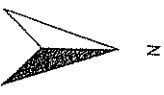
CONCLUSION

Absolute Construction Management allowed people to occupy apartments that were condemned. Only one apartment was in working order and allowed to be occupied. The Health Dept. attempted to allow Absolute Construction Management to work on one apartment at a time, complete any needed work and then have that apartment re-inspected, un-condemned and re-occupied. Instead, numerous condemned apartments were rented to people that did not have the essential equipment needed (running water, toilets, bath room sinks, kitchen sinks). Un-permitted work was still going on in the occupied apartments by un-licensed plumbers in an attempt to renovate the building.

RECOMMENDATION

The Health Dept has attempted to allow Absolute Construction Management to renovate individual apartments, as they are requesting. The result was that approximately thirteen (13) apartments were re-occupied in a manner that was not fit for human occupation. Therefore, staff recommends that the Board of Zoning Appeals uphold the condemnation order as issued by the Health Dept which also requires Absolute Construction Management to obtain all needed permits, properly complete all needed repairs and bring the entire building back up to code before allowing the building to be reoccupied.

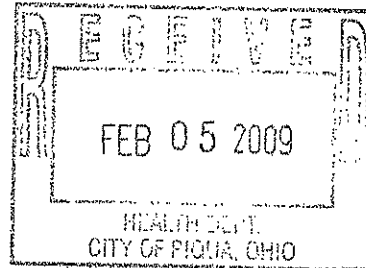
408 N WAYNE STREET



February 4, 2009

Absolute Construction Management LLC
239 Dream Catcher Dr.
Kewaskum WI 53040

Piqua Health Dept.
201 W. Water St.
Piqua OH 45356



Notice for an appeal hearing on decision to condemn property at 408 N. Wayne Street, Piqua, OH 45356 on February 3, 2009.

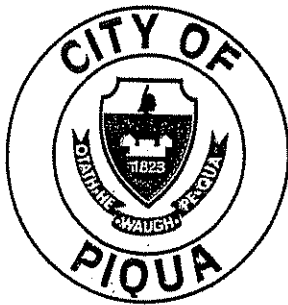
1. In late November 2007, I Deron Yingst met with the health department, Amy Welker, Chris Boeke, and Chris Schmeising. We walked through the building and I discussed with them that we were purchasing the property through Unity Bank. I asked at this time if there were any violations and/or issues that they could see with the building. The gas had been turned off a month prior and the 2 tenants in the building were using cooking stoves to heat their apartments and to heat water. I asked if there was anything that the city could do to help secure the building and prevent squatters. It was discussed that the building was in good shape and they didn't believe that there were any pending violations. I also met with Bob Bowman who walked through the building and didn't see any concerns. The fire department also went through the building without finding any violations.
2. On February 1, 2008 the City of Piqua condemned the structure at 408 N. Wayne due to be vacant and/or abandoned and unsecured causing an attractive nuisance. Violation of section 91.20 of the Piqua Code. Property was being foreclosed on at this time. See exhibit A.
3. Plumbing permits were pulled prior to April 8, 2008 for 408 and 408 ½ N. Wayne St. (Hot water heat & shower valves) They were inspected by Mr. Keller. He green stickered them as passing. On April 8, 2008 Freddie Mae Lee Mckenzie-Carmen rented 408 ½ N. Wayne. See exhibit B .On April 29, 2008 408 N. Wayne St. was rented to Jessie Hixson. See exhibit C. Apartment #3 also had running water but was not rented.
4. Plumbing permit was pulled for Apartment 12 and inspected by the new plumbing inspector. He green stickered the shower valve as passing and this apartment was rented.

5. Chris Boeke visited the apartment at 408 ½ N. Wayne Street as a tenant was moving in-approximately April 8, 2008. It was not until October 17, 2008 that he sent a letter stating that these 3 apartments could be occupied. See exhibit D.
6. The visit on October 17, 2008 was the first of many visits from Chris Boeke at the structure. We walked through the entire building and talked about the common bathroom while working on the rest of the plumbing and the heat system.
7. On November 13, 2008 Chris Boeke sent a violation with the heating facilities and when they were to be on. This was after talking to him and telling him that the heat would be on by the weekend in the entire building. See exhibit E.
8. In November and December 2008 Mr. Boeke was at the building several times inspecting (even when I wasn't there) asking tenants if I was still working on the plumbing and/or if they were using the common bathrooms. One on the first floor Apt 3 and one on the third floor apt 37.
9. On about January 16, 2009 I spoke with Chris Boeke about 408 N. Wayne Street. He stated that he didn't like the common bathrooms being used and would like for the water to be on to all units even if there were a few leaks. Even up until this point he never put it in writing that using common bathrooms and/or not having the water turned on to all units was a City of Piqua code violation. He also did not verbally or in writing give a date he expected it to be done other than he was hoping to get it wrapped up.
10. On February 2, 2009 Mr. Boeke visited the building and was in several units ??! He was in unit 11 and saw that the water was on. He states in his letter that he has condemned the building because of no running water in all units. Furthermore he states that 408, 408 ½ and unit 11 were successfully repaired and could be occupied. Previously in a letter dated October 31, 2008 unit 12 was again fit for human occupancy. See exhibit F.

Decision to be forthcoming:

Absolute Construction Management LLC asks that at the very least units 408, 408 ½, 3, 11, 12 and 37 being allowed to be occupied. We asked that the health department allows individual units be occupied at they pass inspection. Finally we asked that the tenants not have to move as long as the city and owners can get together and set a date for the water to be on to occupied units (doing away with the common bathrooms). If there were any other violations we ask that the city put them in writing and set time frames for them to be completed.





HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

February 3, 2009

Absolute Construction Management LLC
239 Dream Catcher Dr.
Kewaskum WI 53040

Dear Absolute Construction Management LLC:

As you are aware, the building you own, located a 408 N. Wayne St. Piqua, OH Parcel ID N 44002230 was condemned by this office 2/1/08. On 10/31/08 you were informed that apartments 408, 408 ½ and 11 were successfully repaired and could be occupied, but that all of the other units in the building were still condemned and could not be occupied until approved by the Piqua City Health Dept.

An inspection was conducted 2/2/09 and it was determined that numerous units were occupied despite having no running water. This is in direct violation of the 2/1/08 condemnation order. Therefore, this entire structure is again CONDEMNED pursuant to ORC 3707, the Housing Property Maintenance Code (Building Officials and Code Administrators (BOCA) Basic Property Maintenance Code) as adopted by the City, Code Section 150.105, and Piqua Code 91-20. All apartments must be vacated by 2/10/09.

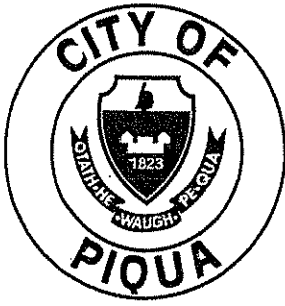
At that time the Piqua City Health Dept. will secure the building in accordance with ordinance 91-23. The building will not be un-condemned until all of the apartments are inspected and meet all current property maintenance codes.

APPEAL

If you wish to express any reason why the action taken regarding health and safety concerns should not be taken, you must provide written notice thereof to the Health Department Director at the above address within 3 business days.

If you have any questions regarding this matter, please contact me at (937) 778-2060.

Chris Boeke, RS
Piqua City Health Dept.



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

October 31, 2008

Absolute Construction Management LLC
239 Dream Catcher Dr.
Kewaskum WI 53040

Dear Absolute Construction Management LLC:

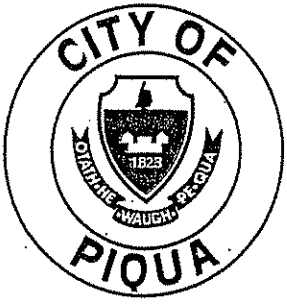
As you are aware, your property located at 408 N. Wayne St., Piqua, OH Parcel ID N 44-002230 was condemned by this office on February 1, 2008.

A follow up inspection was conducted on October 17, 2008. At that time it was determined that apartments 408, 408 ½ and 12 were again fit for human occupancy and can now be re-occupied. However, the rest of the apartments are still condemned and can not be occupied until they have been inspected and approved by the Health Dept.

If you have any further questions regarding this matter, please contact me at (937) 778-2060 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Thank you for your cooperation in this matter.

Sincerely,

Chris Boeke R.S.
Piqua City Health Dept.



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

November 13, 2008

Absolute Construction Management LLC
239 Dream Catcher Drive
Kewaskum, WI 53040

VIOLATION NOTICE

HOUSING- PROPERTY MAINTENANCE CODE

LOCATION: 408 N WAYNE STREET Piqua, OH 45356 Parcel ID N44002230

A structure, located on the above referenced property, has been found to be in violation of the City of Piqua Housing Property Maintenance Code, as adopted by the City, Code Section 150.105.

The following measures must be taken by 11/21/2008 to abate these violations:

PM 602.1 Heating Facilities Required. Heating facilities shall be provided in structures as required by this section. *Must provide permanent heat source for all occupied apartments.*

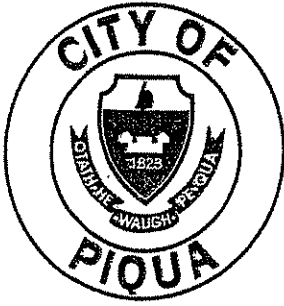
NOTICE OF APPEAL RIGHT

ANY DECISION OF THE ENFORCING OFFICER MAY BE APPEALED BY NOTIFYING THIS OFFICE IN WRITING WITHIN TWENTY (20) DAYS OF RECEIPT OF THIS ABATEMENT NOTICE. THE APPEAL MUST INCLUDE THE REASON(S) AND THE DESIRED OUTCOME.

If you have any questions regarding this matter, please contact me at (937) 778-2060.

Chris Boeke, RS
Piqua Health Department

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN HAVING THIS VIOLATION ABATED, AND BILL YOU FOR THE CHARGES IN COMPLIANCE WITH SECTION 106 OF THE PROPERTY MAINTENANCE CODE. YOU ARE ALSO SUBJECT TO RE-INSPECTION FEES AND CRIMINAL AND CIVIL PENALTIES FOR FAILURE TO COMPLY.



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

October 31, 2008

Absolute Construction Management LLC
239 Dream Catcher Dr.
Kewaskum WI 53040

Dear Absolute Construction Management LLC:

As you are aware, your property located at 408 N. Wayne St., Piqua, OH Parcel ID N 44-002230 was condemned by this office on February 1, 2008.

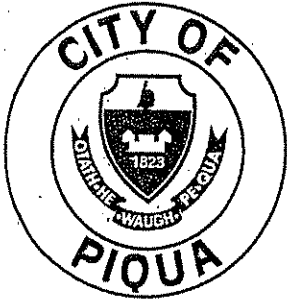
A follow up inspection was conducted on October 17, 2008. At that time it was determined that apartments 408, 408 ½ and 12 were again fit for human occupancy and can now be re-occupied. However, the rest of the apartments are still condemned and can not be occupied until they have been inspected and approved by the Health Dept.

If you have any further questions regarding this matter, please contact me at (937) 778-2060 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Chris Boeke".

Chris Boeke R.S.
Piqua City Health Dept.



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

February 1, 2008

CINDY BENNETT
323 MIAMI ST
PIQUA, OH 45356

Dear CINDY BENNETT

A structure located at: 408 N WAYNE STREET Piqua, OH 45356 Parcel ID N44-002230 has been found to be in violation of section 91.20 of the Piqua Code and/or section 150.105, therefore it is deemed a public nuisance. The structure was found to be vacant and/or abandoned and unsecure causing an attractive nuisance.

This structure has been posted as CONDEMNED and therefore, NO person shall occupy this structure. This structure must be closed up and secured within 24 hours of this notice. If an imminent danger was found due to this structure being open and an attractive nuisance, then temporary safeguards may have been taken to secure the structure.

Other conditions in violation of city codes may have been found resulting in additional violation notices being processed at this time.

To gain access to the property or to inquire about further actions, please contact the Health Department at 937-778-2060.

NOTICE OF APPEAL RIGHT

If you wish to express any reason why this action should not be taken at this time, you must provide written notice thereof to the Health Department Director at the above address within three (3) business days.

Sincerely,

Chris Boeke, R.S.
Piqua City Health Department

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN HAVING THIS NUISANCE ABATED,
AND BILL YOU FOR THE CHARGES IN COMPLIANCE WITH ORDINANCE # 91-23.

LEASE AGREEMENT

Exh. b A B

Absolute Construction Management, 239 Dream Catcher Dr., Kewaskum, WI 53040 (hereinafter referred to as "Lessor"), hereby leases to Freddi Mae Lee Mckenzie-Carmen (hereinafter referred to as "Lessee") the premises described as follows: 408 1/2 N. Wayne St. , Piqua, OH 45356 (hereinafter "Premises"), for a term of 12 months , commencing April 8, 2008 at an annual rental of \$7190 payable in equal bi-weekly installments of \$275 each in advance .

- 1) Lessee agrees to pay said rent, unless the Premises are destroyed or rendered untenable by fire or other casualty, in which case this lease shall be deemed terminated and the Premises surrendered; not to commit or suffer waste, or permit any hazardous substance or hazardous waste in, on or about the Premises; and not to assign this agreement or sublet said Premises; or any part thereof, without the written consent of Lessor or its representative.
- 2) Lessee agrees that said Premises shall be used only as a dwelling and for no other purpose and shall be occupied only by Lessee and those persons listed on Lessee's rental application. Any person or persons, including children, occupying the Premises subsequent to completion of said rental application must have the prior written approval of Lessor, which approval shall be rendered, without regard to race, color, religion, sex, handicap, familial status or national origin. No trade, business or occupation shall be carried on by Lessee in said Premises. Said premises shall not be used for any unlawful purpose nor in any manner that in the judgment of Lessor or its representative, will impair the reputation of the Premises or the building of which they are a part.
- 3) Lessee, members of his household, guests, licensees or invitees shall not create any disturbances, noise or annoyance which in the opinion of Lessor or its representative, may be detrimental to the Premises or to the comfort and peaceful enjoyment of other lessees thereof. Should said Premises include a balcony, a screened-in or otherwise enclosed porch, a patio or other similar structure, Lessee, members of his household, guests, licensees or invitees, shall be prohibited from using gas or charcoal grills, smokers or other outdoor cooking appliances on said structure and shall not use any fireplace located on said Premises. Lessee shall keep any drains on said Premises free and clear of any obstructions such as plants, leaves or branches and shall be responsible for any damages caused thereto.
- 4) Lessor is to furnish and pay for all utilities indicated by check marks:
Water XX, Electric XX, Gas XX, Heat XX. Lessor will install a smoke alarm on the Premises; however, Lessee will be responsible for the upkeep of that smoke alarm which shall include replacing the batteries.
- 5) Lessee agrees that the Premises are now in good order and repair and accepts the Premises in its "as is" condition and that Lessee will maintain the Premises in a clean and sanitary condition. Lessee will surrender and deliver up the same at the end of said term in as good an order, condition and repair as delivered, reasonable used and ordinary wear and tear excepted and that he will deliver all keys to Lessor, or its representative and provide to Lessor, a written forwarding address upon his vacating the Premises. Lessee is to pay for all his household, guests, licensees or invitees. Lessor, or its representative, shall have the right to inspect the Premises at all reasonable times to determine the extent of any such damages and whether the same has been caused by Lessee, members of his household, guests, licensees or invitees. Lessor shall be the sole judge thereof and Lessee agrees to immediately pay on demand to Lessor the amount of such damages.

12) Lessee shall, keep in force by advance payment of premiums, public liability insurance in an amount not less than \$100,000.00 for injury to, or death of, any person as the result of one occurrence, and not less than \$300,000.00 for injury to, or death of, more than one person as the result of one occurrence, and not less than \$100,000.00 for damages to the property of Lessor or any other person or persons. Such insurance shall cover Lessor and Lessee against any liability that may accrue against them, by reason of the use or occupancy of the Premises, and the furnishings therein, by Lessee and Lessee's agents, employees, licensees, or invitees, naming Lessor and Lessee insured parties thereunder as their respective interests may appear. At the commencement of this Lease and annually thereafter. Lessee shall provide a certificate of insurance evidence that such insurance is in full force and effect.


Lessor shall keep in force such Fire and extended coverage insurance upon the premises, as Lessor shall, in Lessor's absolute discretion, deem necessary.

It shall be the sole obligation of Lessee to insure, at Lessee's expense, any and all property of any nature whatsoever of Lessee's contained in the Premises.

13) Each party shall protect, indemnify, and hold harmless the other party and its successors and assigns from and against any and all liabilities, obligations, losses, damages, costs, or expenses, including but not limited to attorneys' fees and court costs resulting from or arising out of any failure or breach of that party's warranties, representations, or other obligations as set forth in this Agreement.

14) Lessor and Lessee agree to comply with state and local laws.

15) The tenant agrees that only those persons listed below shall occupy the Premises:


Freddi Mae Lee McKenzie-Carmen 09-14-82

Hannah Lee McKenzie 11-15-03

Signed this 7th day of April, 2008.



LEASE AGREEMENT

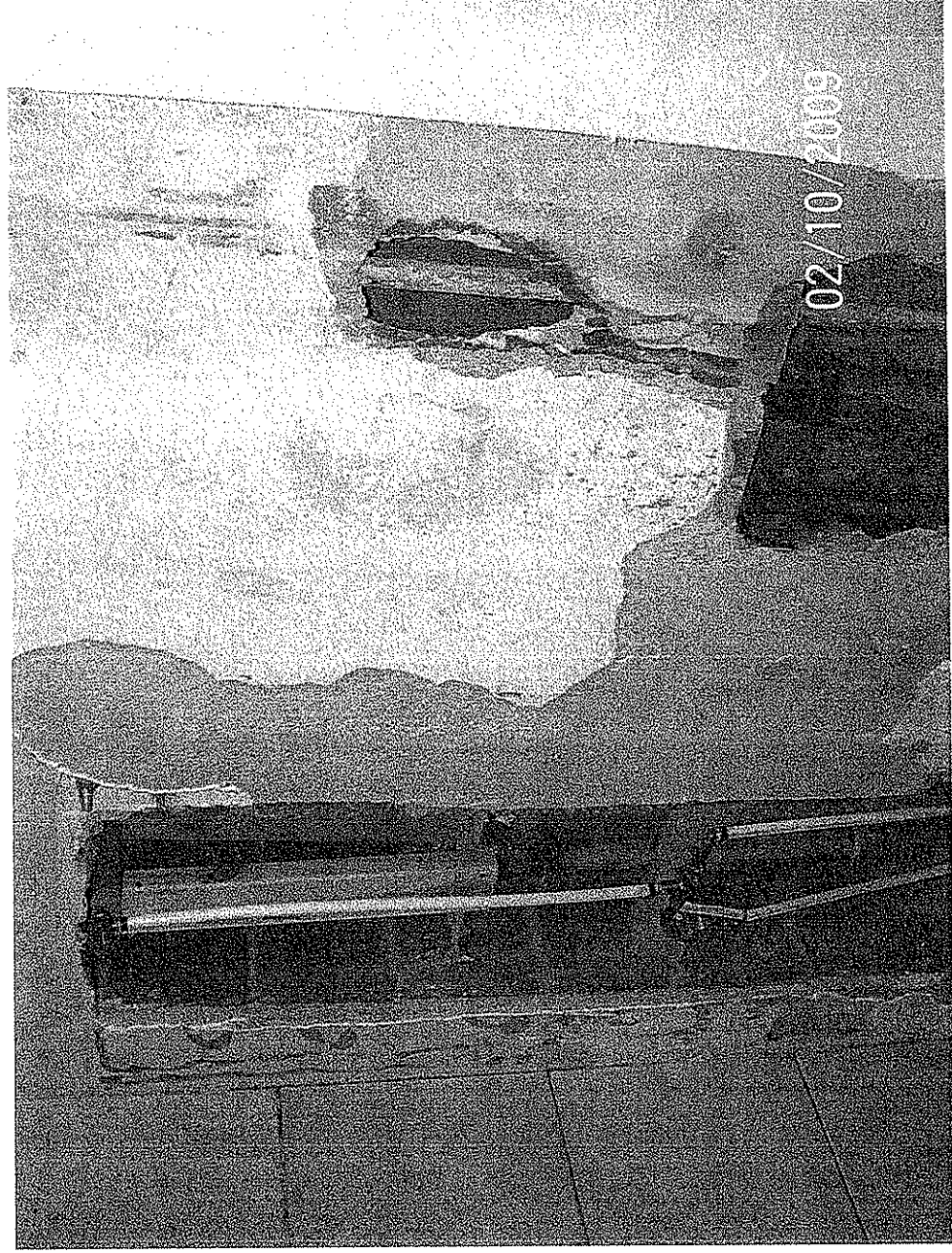
Exhibit C

Absolute Construction Management, 239 Dream Catcher Dr., Kewaskum, WI 53040 (hereinafter referred to as "Lessor"), hereby leases to Jessi N. Hixson (hereinafter referred to as "Lessee") the premises described as follows: 408 N. Wayne St., Piqua, OH 45356 (hereinafter "Premises"), for a term of 12 months commencing April 29, 2008 at an annual rental of \$7540 payable in equal weekly installments of \$145 each on every Tuesday, in advance. Lessee further agrees to pay the Lessor the amount of \$15 of weekly rent which represents Security Deposit upon the execution of this lease.

- 1) Lessee agrees to pay said rent, unless the Premises are destroyed or rendered untenable by fire or other casualty, in which case this lease shall be deemed terminated and the Premises surrendered; not to commit or suffer waste, or permit any hazardous substance or hazardous waste in, on or about the Premises; and not to assign this agreement or sublet said Premises; or any part thereof, without the written consent of Lessor or its representative.
- 2) Lessee agrees that said Premises shall be used only as a dwelling and for no other purpose and shall be occupied only by Lessee and those persons listed on Lessee's rental application. Any person or persons, including children, occupying the Premises subsequent to completion of said rental application must have the prior written approval of Lessor, which approval shall be rendered, without regard to race, color, religion, sex, handicap, familial status or national origin. No trade, business or occupation shall be carried on by Lessee in said Premises. Said premises shall not be used for any unlawful purpose nor in any manner that in the judgment of Lessor or its representative, will impair the reputation of the Premises or the building of which they are a part.
- 3) Lessee, members of his household, guests, licensees or invitees shall not create any disturbances, noise or annoyance which in the opinion of Lessor or its representative, may be detrimental to the Premises or to the comfort and peaceful enjoyment of other lessees thereof. Should said Premises include a balcony, a screened-in or otherwise enclosed porch, a patio or other similar structure, Lessee, members of his household, guests, licensees or invitees, shall be prohibited from using gas or charcoal grills, smokers or other outdoor cooking appliances on said structure and shall not use any fireplace located on said Premises. Lessee shall keep any drains on said Premises free and clear of any obstructions such as plants, leaves or branches and shall be responsible for any damages caused thereto.
- 4) Lessor is to furnish and pay for all utilities indicated by check marks:
Water XX, Electric XX, Gas XX, Heat XX. Lessor will install a smoke alarm on the Premises; however, Lessee will be responsible for the upkeep of that smoke alarm which shall include replacing the batteries.
- 5) Lessee agrees that the Premises are now in good order and repair and accepts the Premises in its "as is" condition and that Lessee will maintain the Premises in a clean and sanitary condition. Lessee will surrender and deliver up the same at the end of said term in as good an order, condition and repair as delivered, reasonable used and ordinary wear and tear excepted and that he will deliver all keys to Lessor, or its representative and provide to Lessor, a written forwarding address upon his vacating the Premises. Lessee is to pay for all his household, guests, licensees or invitees. Lessor, or its representative, shall have the right to inspect the Premises at all reasonable times to determine the extent of any such damages and whether the same has been caused by Lessee, members of his household, guests, licensees or invitees. Lessor shall be the sole judge thereof and Lessee agrees to immediately pay on demand to Lessor the amount of such damages.

408 N. Wayne St. Apt. 11

2/10/09



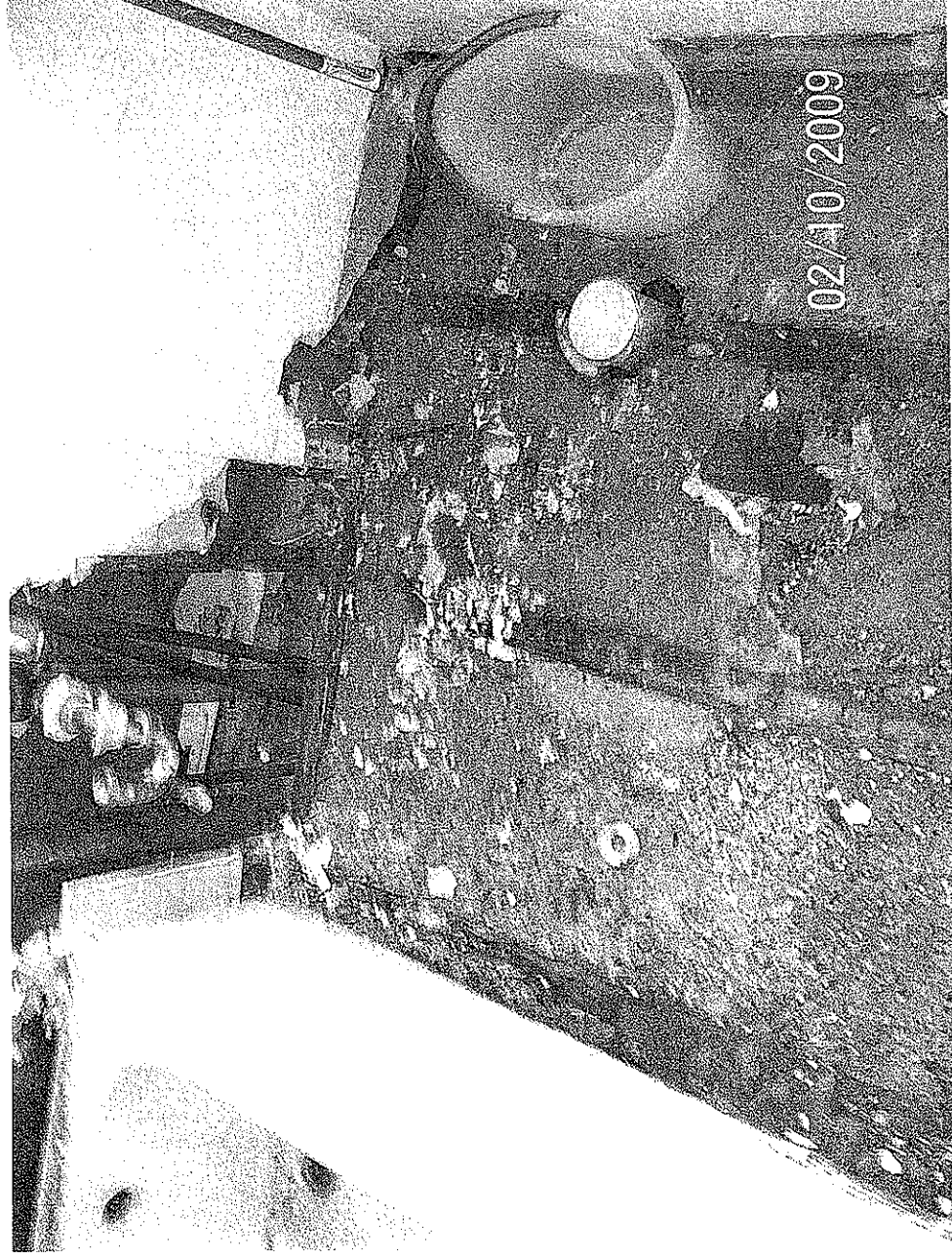
408 N. Wayne St. Apt. 13

2/10/09



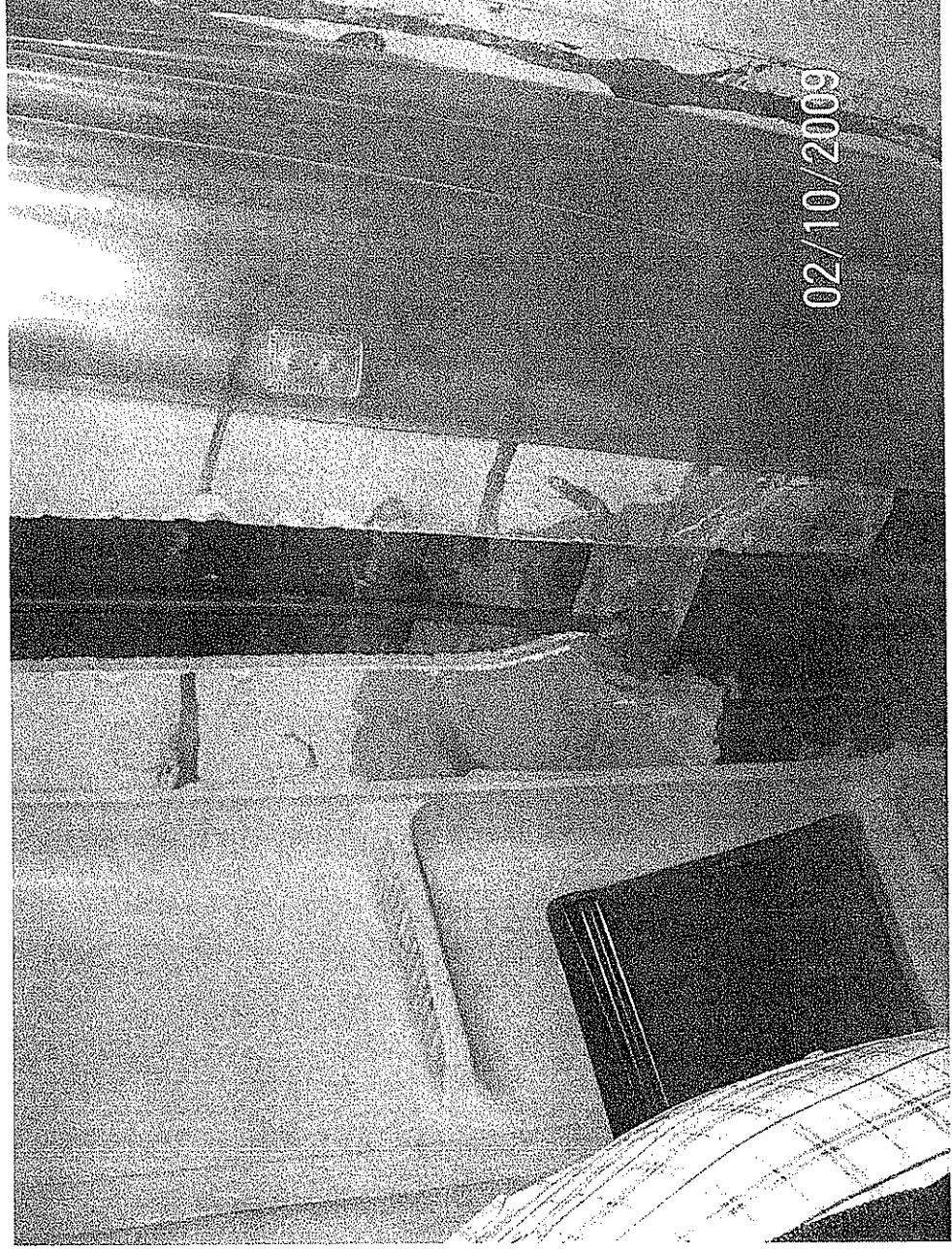
408 N. Wayne St. Apt. 13

2/10/09



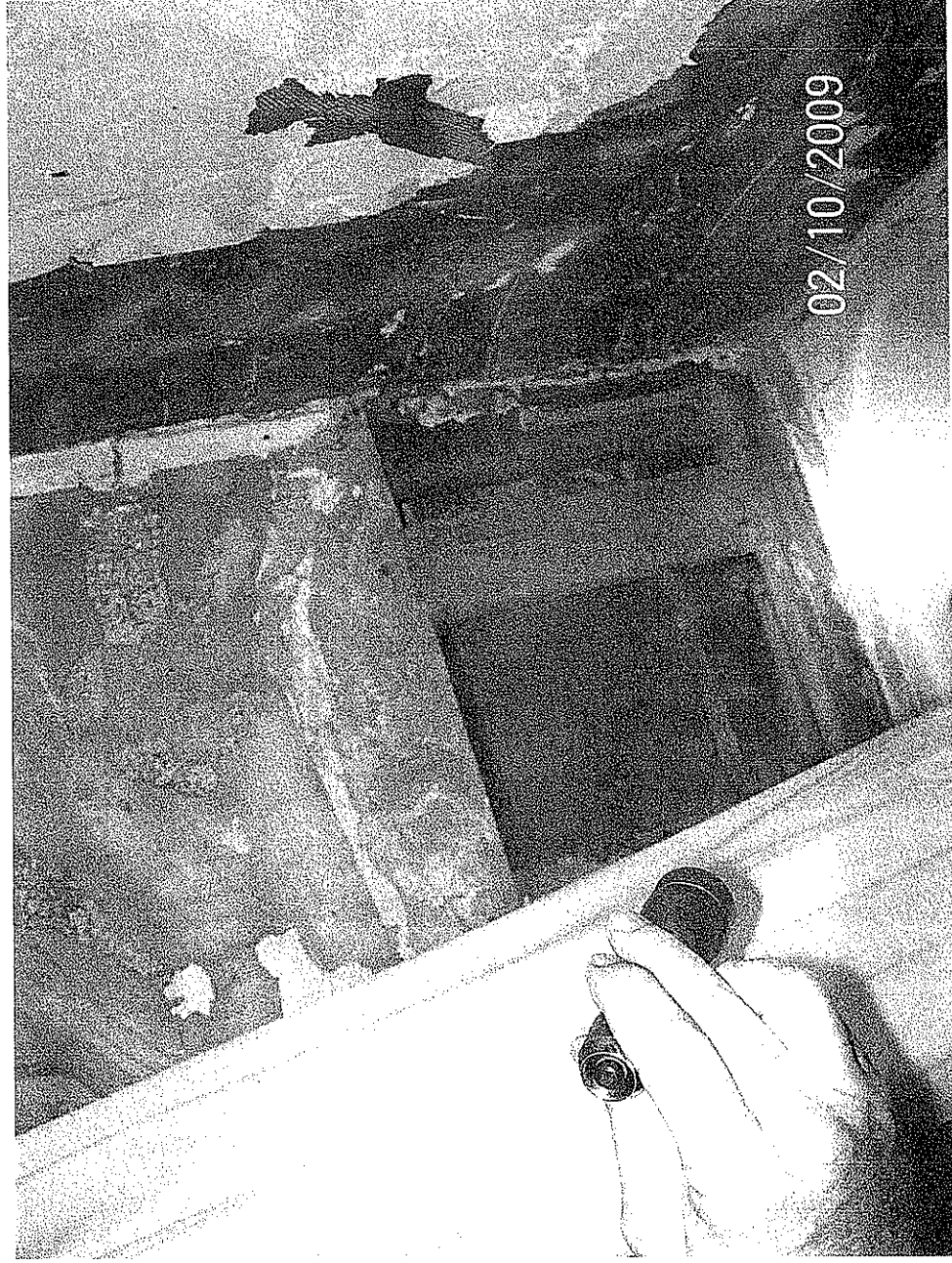
408 N. Wayne St. Apt. 21

2/10/09



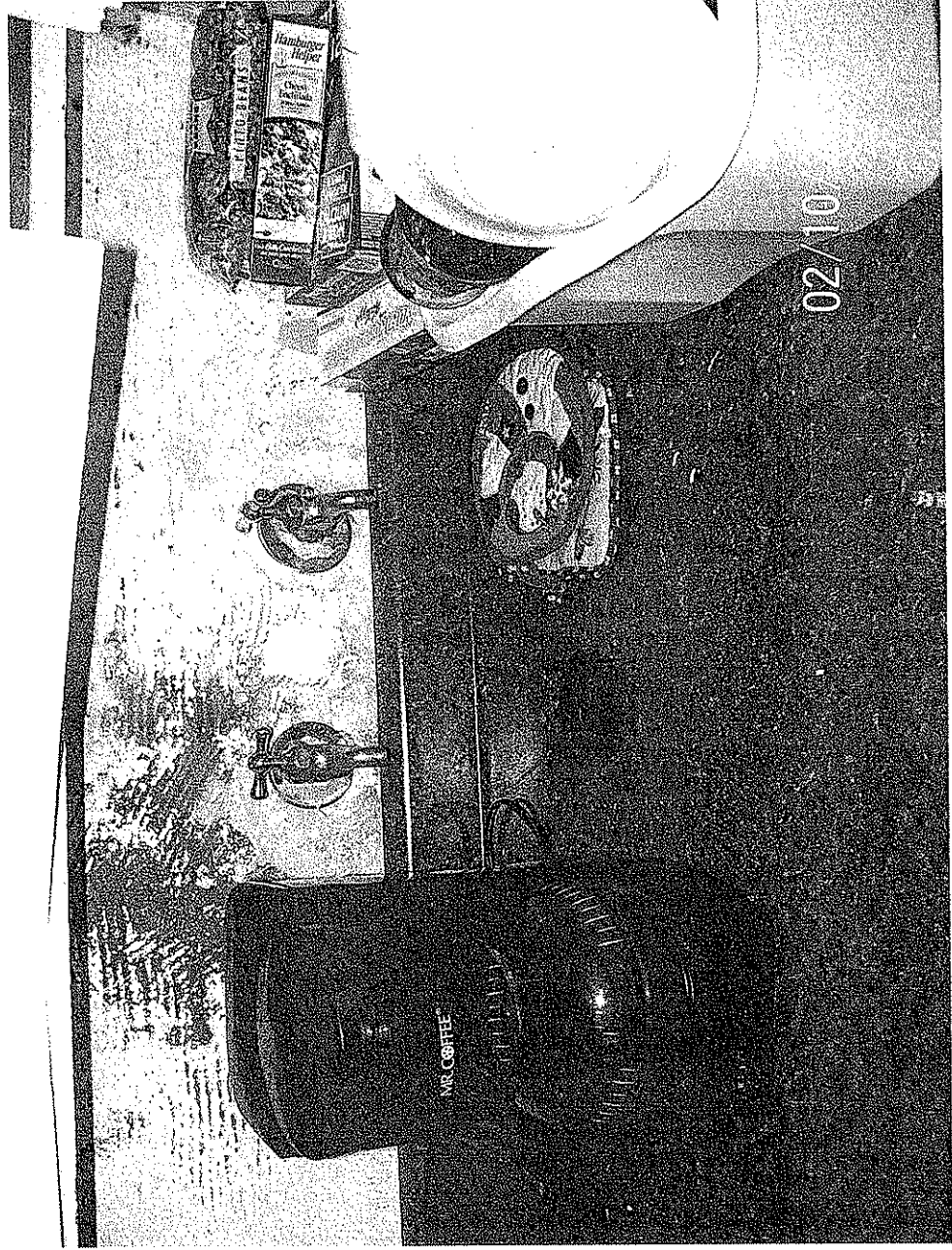
408 N. Wayne St. Apt. 23

2/10/09



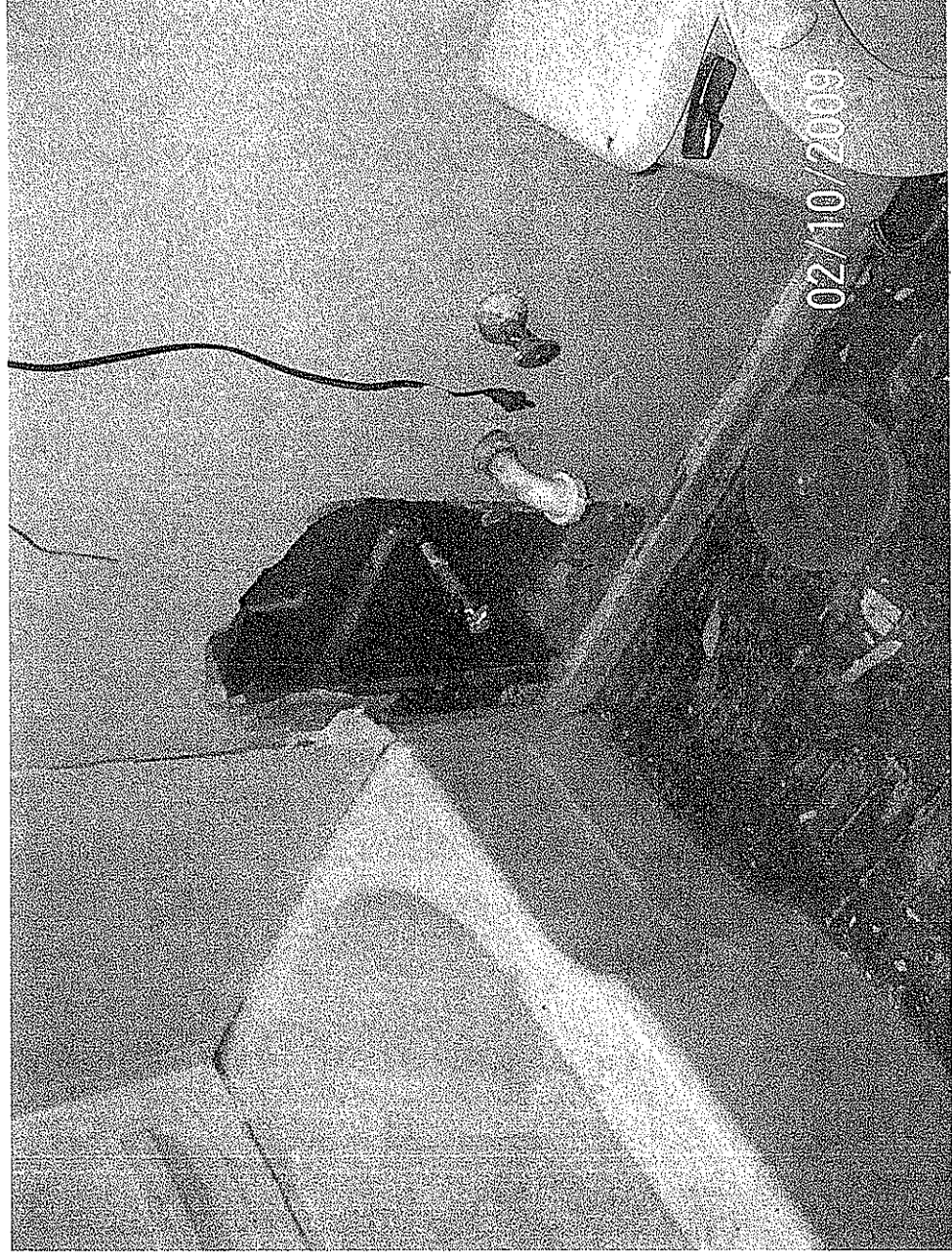
408 N. Wayne St. Apt. 25

2/10/09



408 N. Wayne St. Apt. 26

2/10/09



408 N. Wayne St. Apt. 36

2/10/09



RESOLUTION No. BZA 03-09

WHEREAS, Tom Cline of Buschurs, on behalf of Brian Quinter, owner of 1508 W. High Street in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to request a setback variance for a proposed addition to the principal structure.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.121 (B) (2) (f) establishes that:

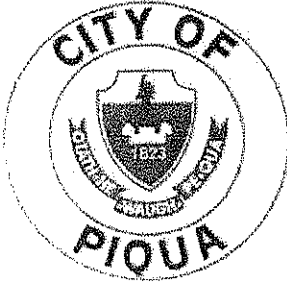
"No accessory building shall be closer to any principal structure than ten feet or closer to any other accessory structure than five feet."

WHEREAS, the Board of Zoning Appeals has considered whether the variance requested:

- Is necessary to permits the owner a reasonable use of the land.
- Is justified due to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned.
- Will constitute a change in the district map
- Will impair an adequate supply of light and air to adjacent property.
- Will increase the congestion in public streets.
- Will increase the public danger of fire and safety.
- Will materially diminish or impair established property values within the surrounding area.
- Will in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city.

NOW THEREFORE BE IT RESOLVED, board member Deb Stumpff hereby moves to deny this request to vary the strict application of the code requirements described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member Steve Reindel, and the voting record on this motion is herby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Pat Jenkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Steve Reindel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jimmie Reedy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

STAFF REPORT

Date: April 16, 2009
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner
Subject: BZA Resolution 03-09

GENERAL INFORMATION

Applicant: Buschurs
Owner: Brian Quinter
Location: 1508 W. High Street
Zoning: R-1 (One-Family Residential)
Land Use
Existing: One-family residential; private garage; driveway/off-street parking; yard
Proposed: One-family residential; private garage; driveway/off-street parking; yard
Request: To variance section 154.121(B)(2)(f) of the zoning code to allow the distance between a principal structure and accessory structure to be less than 10 feet.

DISCUSSION/FINDINGS

The code provision pertaining to this variance request requires that an accessory structure not be located nearer than 10 feet to a principal structure. In this case the accessory structure (the private garage) is already in existence and it is a proposed addition to the principal structure (the dwelling unit) that will reduce the dimension between the two structures to less than what is allowed. Currently there is 16 feet between the principal and accessory structure. If this variance request is authorized the resulting dimension from the rear of the principal structure to the accessory structure will be 6 feet. The subject accessory structure and the addition to the principal structure are both located in the rear yard of the lot.

The zoning code includes sections outlining the powers of the Board of Zoning Appeal's relative to variances and the determinations to be made prior to taking official action in a specific case. The following highlights each of the criteria described in those sections and provides staff's analysis of how this request measures up to those standards.

STAFF REPORT

Date: April 16, 2009
Subject: BZA Resolution 03-09

Page 2

Section 154.142(C)(2) states, "Powers relative to variances. To hear and decide upon petitions for variances and, subject to the conditions and safeguards deemed appropriate by the Board, *to vary the strict application* of the height, area, setback, or parking requirements to the extent necessary **to permit the owner a reasonable use of the land in those specified instances where there are peculiar exceptions, and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.** Prior to taking action on a variance request, the Board may hold a public hearing. Any variance granted by the Board shall become void if within one year on the date of passage, a building permit has not been issued and construction has not been initiated. "

Is this request necessary to permit the owner a reasonable use of the land?

Staff Analysis: The current use activity found at this location is typical of what is found in this zoning district and the owner currently enjoys a reasonable use of the land.

Is this request justified due to peculiar exceptions and unusual circumstances found at this location that are not generally found within the neighborhood concerned?

Staff Analysis: This request to variance the strict application of the code to allow a reduction in the required setback is driven by the applicant's desire to construct an addition to the principal structure. The subject premises is a 0.67 acre site measuring approximately 110 feet in width by 260 feet in depth. Adjacent and nearby lots vary in size, with some being larger than the subject parcel and others being smaller. While there are some non-standard use conditions found within the neighborhood concerned that represent conditions similar to those the proposed addition will create if authorized, there are no peculiar exceptions and unusual circumstances found at the subject location that are not generally found within the neighborhood or the locality concerned. Currently, there are no identified non-standard use conditions found at the subject lot.

Section 154.142(D)(1) states, "Official Action. In exercising the above-mentioned jurisdiction, the Board of Zoning Appeals may reverse, affirm, or modify the order, requirement, decision, or determination appealed and may make any decision as ought to be made. In considering all appeals and petitions within its jurisdiction under this chapter, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city. In making a determination, the Board may request information and recommendations from any department of the city."

STAFF REPORT

Date: April 16, 2009
Subject: BZA Resolution 03-09

Page 3

Will the request constitute a change in the district map?

Staff Analysis: This request does not involve a change in the zoning designation of this parcel.

Will this request impair an adequate supply of light and air to adjacent property?

Staff Analysis: It is unlikely that the proposed addition will impair the supply of light and air to adjacent property.

Will this request increase the congestion in public streets?

Staff Analysis: It is unlikely that the proposed addition will increase the congestion in the public streets.

Will this request increase the public danger of fire and safety?

Staff Analysis: It is unlikely that the proposed addition will increase the public danger of fire and safety.

Will this request materially diminish or impair established property values within the surrounding area?; and, Will this request in any other respect impair the public health, safety, comfort, morals, and welfare of the citizens of the city?

Staff Analysis: It is unlikely that the proposed addition will impair established property values, public health, safety, comfort, morals, or the welfare of the neighborhood, community, or citizens.

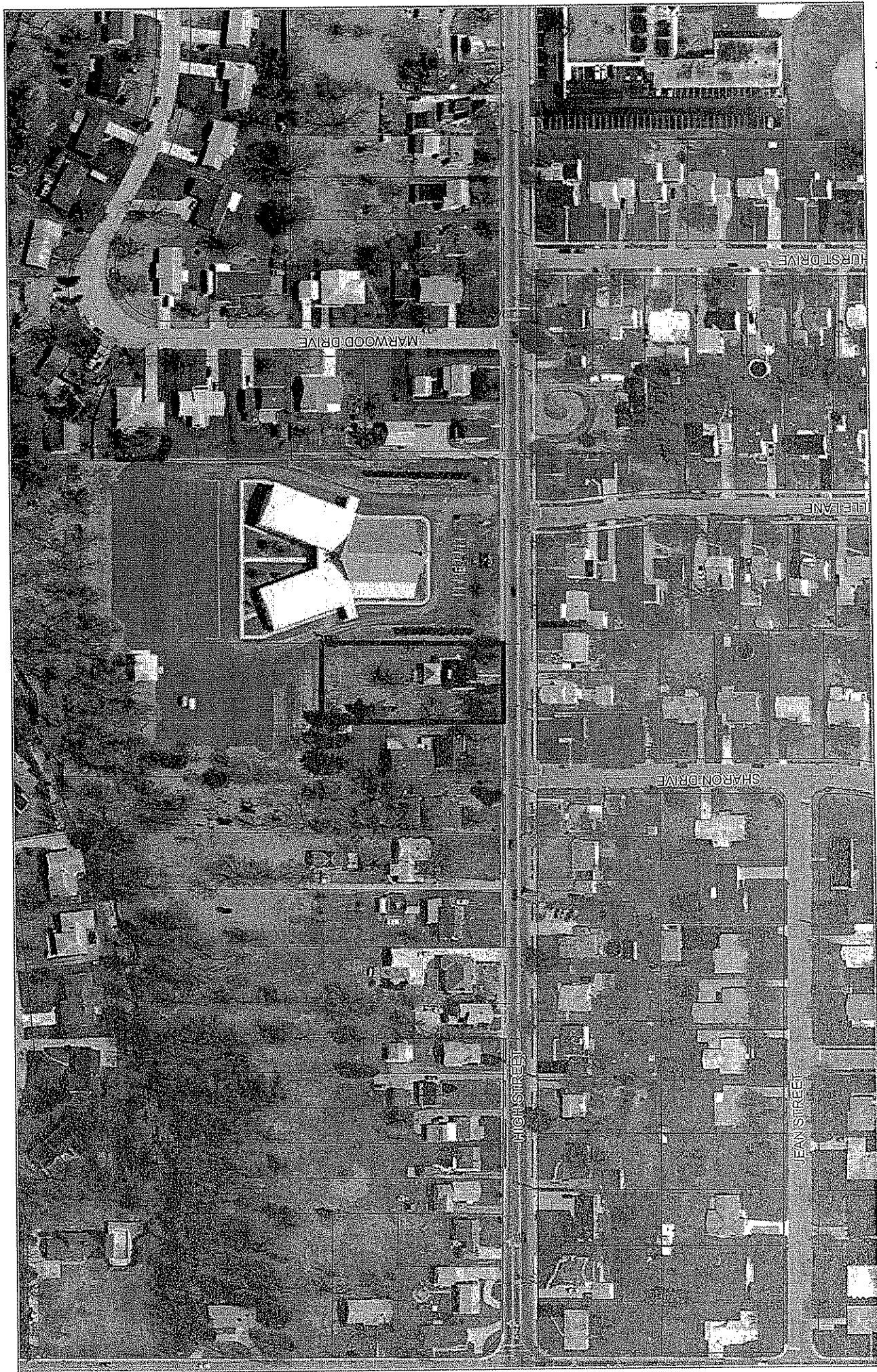
CONCLUSION

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 setback provision from which the applicant seeks relief comes as a result of the applicant's desire to create non-standard use conditions in conflict with the zoning code requirements. Therefore, it is staff's opinion that there are no peculiar exceptions and unusual circumstances that exist in connection with this parcel of land that warrant the Board of Zoning Appeals granting of an exception to the applicable zoning standards.

RECOMMENDATION

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

1508 W HIGH STREET



BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Tom CLINE (BUSCHERS)
APPLICANT ADDRESS 5784 PDE. AVE.
CITY DAYTON STATE OH. ZIP 45414
PHONE (937) 264-5581
LEGAL INTEREST OF APPLICANT CONTACT.

OWNER NAME BRIAN YANN QUINTER
BUSINESS NAME
OWNER ADDRESS 1508 W. HIGH ST.
CITY PIQUA STATE OH. ZIP 45356
PHONE (937) 776-4027

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1508 W. HIGH ST
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER ZONING DESIGNATION R-1.

TYPE OF VARIANCE BEING REQUESTED --(CIRCLE ONE) ZONING -OR- SIGN

-CHECK ALL BOXES THAT APPLY-

- ZONING ENFORCEMENT APPEAL
SPECIAL DRIVENWAY
HEIGHT VARIANCE
SETBACK VARIANCE
AREA VARIANCE
PARKING VARIANCE
ZONING MAP BOUNDARY LINE
OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST

I hereby certify that the proposed request is authorized by the owner of record and agree to conform to all applicable laws of the City of Piqua, Ohio.

SIGNATURE OF OWNER [Signature] DATE 4/6/09

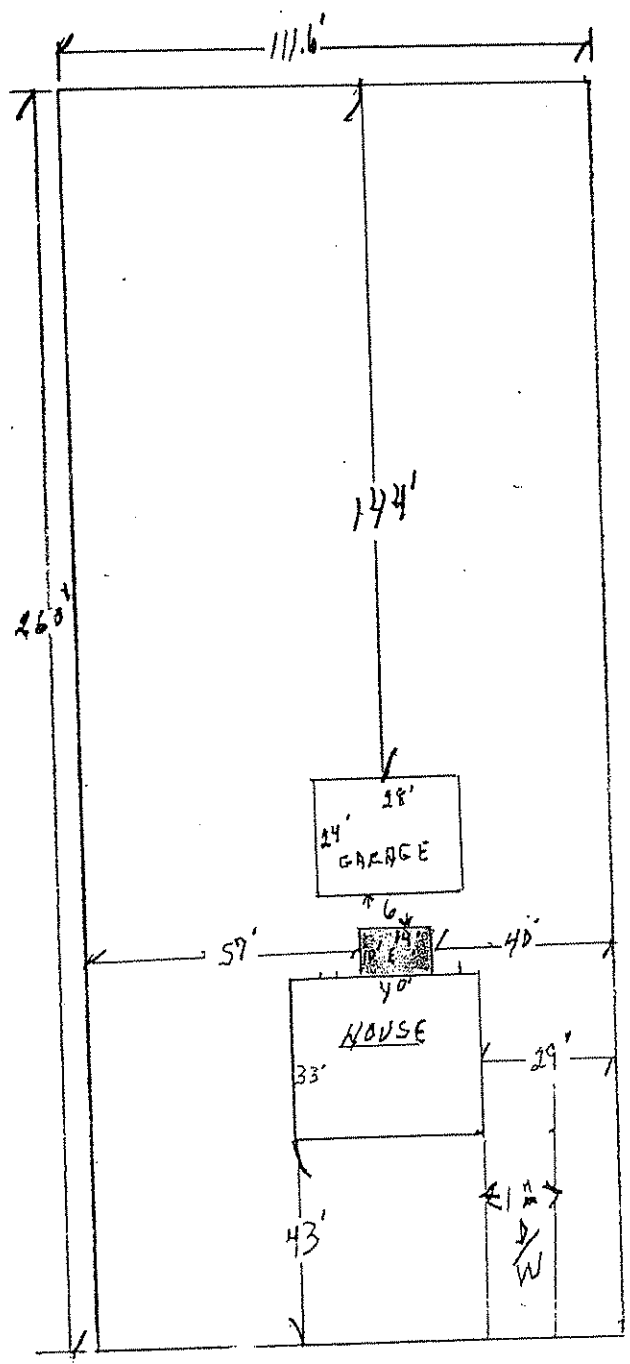
SIGNATURE OF APPLICANT Tom Cline BUSCHERS DATE 4-6-09

NOTE - BOTH OWNER AND APPLICANT DATED SIGNATURES IN INK REQUIRED TO PROCESS REQUEST

*****OFFICE USE ONLY*****

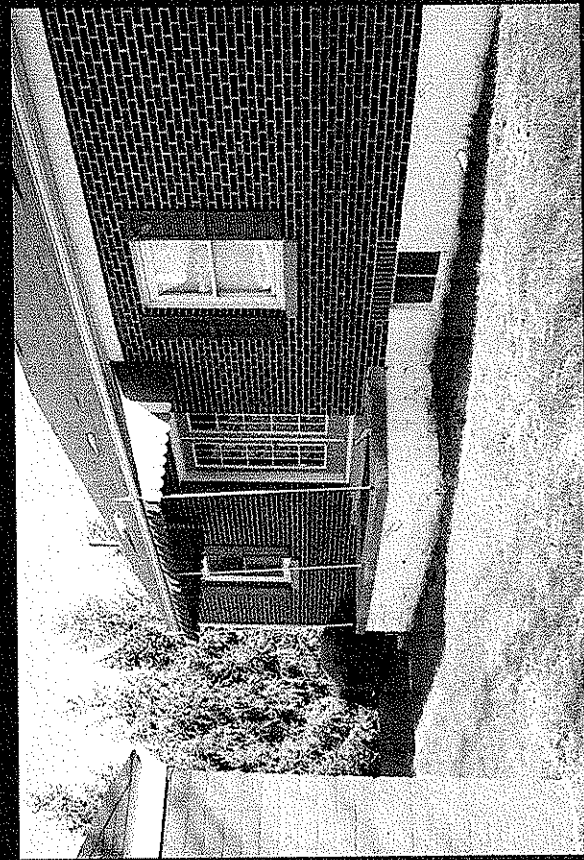
\$25.00 FEE PAID - RECEIVED BY -
RECEIPT No. - DATE -

~~BRIAN YANN QUINTER~~ 5724 POE AVE.
 ADDRESS 1508 W. HIGH ST. DAYTON, OH 45414
 Piqua OH. 45356
 PHONE (937) 778-4027 PH 264-5581
 SCALE 40:1 FAX 264-3698
 SITE MAP



W. HIGH ST.

Rear Angle View



BEFORE



AFTER

Side View



BEFORE



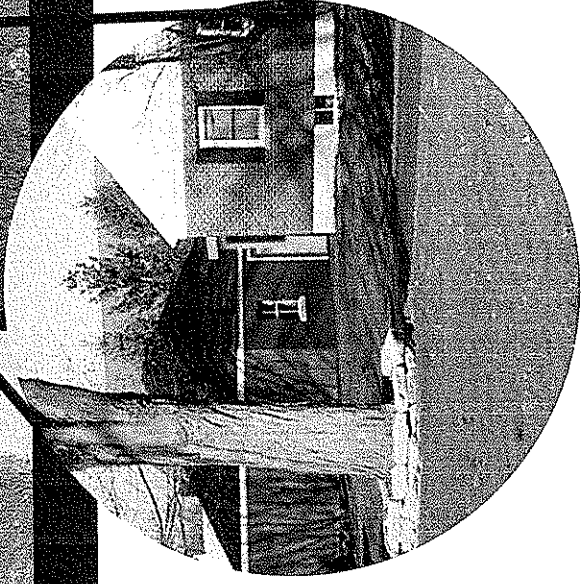
AFTER

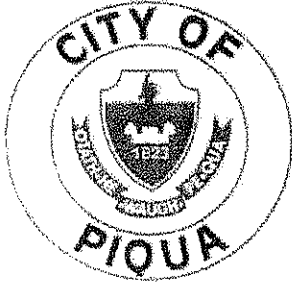
Only angle Sunroom will be visible from High Street



BEFORE

AFTER





PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

April 17, 2009

«NAME»
«MAILING_ADDRESS»
«CITY_STATE_ZIP»

***** MEETING NOTICE *****

Please be advised that the City of Piqua Board of Zoning Appeals will hold a meeting at the time and location stated below. It has been determined by this office that you may have an interest in **Resolution «RESOLUTION»** (see enclosed meeting agenda). To view the Board of Zoning Appeals packet in its entirety, visit http://www.piquaoh.org/agenda_zoning_bd.htm or stop by this office.

TIME: **6:00 P.M.**
DATE: **Tuesday, April 28, 2009**
LOCATION: **Commission Chambers, Municipal Government Complex**
 201 W. Water Street

This is your opportunity to speak in favor of, or object to, the referenced item. If you desire to state your opinion concerning this matter and are unable to attend the meeting, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

Please contact this office if you have any questions pertaining to this matter.

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.

APRIL 28, 2009
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 02-09	DERON YINGST c/o CHRIS WESSNER	430 N WAYNE STREET	PIQUA OH 45356
BZA 02-09	ABSOLUTE CONSTRUCTION MANAGEMENT LLC	239 DREAM CATCHER DR	KEWASKUM WI 53040
BZA 02-09	Y W C A TRUSTEES	418 N WAYNE	PIQUA OH 45356
BZA 02-09	RAVAL VANDNA Y	2952 SHAWNEE TR	PIQUA OH 45356
BZA 02-09	COUGHLIN RENTALS LLC	404 N WAYNE ST	PIQUA OH 45356
BZA 02-09	COUNCIL 3344 BLDG ASSN IN	204 W ASH ST	PIQUA OH 45356
BZA 02-09	GAMBILL SHAWN G	212 W ASH ST	PIQUA OH 45356
BZA 03-09	BRIAN QUINTER	1508 W HIGH ST	PIQUA OH 45356
BZA 03-09	BUSCHURS	5784 POE AVENUE	DAYTON OH 45356
BZA 03-09	WEIGANDT JEFFREY R & STACEY L	1512 W HIGH ST	PIQUA OH 45356
BZA 03-09	TRUSTEES PIQUA BAPTIST CHURCH	1402 W HIGH ST	PIQUA OH 45356
ENTIRE PACKET TO:			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	CHRIS BOEKE	INTER-OFFICE MAIL	
	DEVON ALEXANDER	INTER-OFFICE MAIL	
	STACY WALL	INTER-OFFICE MAIL	
	BOARD OF ZONING APPEALS	REGULAR MAIL	
E-MEETING NOTICE TO:			
	AMY WELKER	EMAIL	
	CITY COMMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	BRUCE JAMISON	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	
	MIAMI COUNTY HOME BUILDERS ASSOCIATION	EMAIL	