

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

CALL TO ORDER

ROLL CALL

MEETING MINUTES June 23, 2009

**OLD BUSINESS**

1. Resolution BZA 01-09 A resolution nominating and electing the BZA Chairperson and Vice chairperson for the 2009 calendar year.
  
2. Resolution BZA 08-09 An appeal to the condemnation order of 408 N. Wayne St.

**NEW BUSINESS**

2. Resolution 09-09  
BZA 09-09, 10-09 A resolution to request to variance the number of detached canopy signs on the **south** side of the detached canopy located at 900 Scott Drive.  
10-09  
A resolution to request to variance the number and location of detached canopy signs on the **east** side of the canopy located at 900 Scott Drive.

OTHER BUSINESS

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, JUNE 23, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**CALL TO ORDER**

At 6:00 Chairperson Mr. 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 Chair asked all persons present to stand and raise their right hand. The Chair 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, Chair Jimmie Reedy, Pat Jenkins  
and Mark Spoltman

Members Absent: Rebecca Harrison

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Brian Lucas, Codi Lucas, Tony Homer, Melissa Forsythe,  
Pam Mowery, Audrey Williamson, Patrick Williamson,  
Rebecca Roe, Nancy Holt, Chet Osborn, Brad Boehman.

The Chair moved to excuse Rebecca Harrison from the meeting and all were in agreement.

**OATH OF OFFICE**

The Chair introduced Mark Spoltman as the newest member of the Board and the Clerk administered the Oath of Office to Mr. Spoltman.

**MEETING MINUTES**

Jimmie Reedy made a motion to approve the April 28, 2009 meeting minutes. The motion was seconded by Pat Jenkins and the vote of 4-0 was recorded.

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, JUNE 23, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**OLD BUSINESS**

**1. Resolution BZA 01-09**

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2009 calendar year.

Chairman Reindel suggested the item should continue to be tabled until all members are in attendance. All members in attendance agreed and the item remained tabled.

**NEW BUSINESS**

**2. Resolution BZA 04-09**

An appeal of the enforcing official's interpretation of the zoning code special use permit procedure.

The Clerk read the agenda item.

Mr. Schmeising presented staff comments indicating that the proposed use is not defined within the zoning code and is not listed as principal permitted use or special use with the zoning code. The code includes a provision that allows the Planning Commission to consider as a special use those uses not listed as principal or special use within the zoning code. Therefore, the Planning Commission may consider a special use permit request to allow the proposed use with the Open Space zoning designation of the subject property.

Mr. Homer addressed the Board and argued that the code does not indicate the property has to be owned by a public entity to be public and that the proposed use meets the Public Recreation Facilities use definition.

Chet Osborn, President, Shawnee Neighborhood Association addressed the Board and presented a signed petition indicating they are against the ball fields.

Pat Williamson also addressed the Board indicating he is concerned with parking and vandalism issues.

Chairman Reindel closed the public comments period and the board members deliberated on the item. Mr. Spoltman stated his agreement with staff's report on this matter and cited as a finding of fact that the proposed use as it has been described and presented is not a public use, and therefore is not defined by the code definitions referenced. Mr. Reindel, Mr. Reedy, and Mr. Jenkins all stated their agreement with Mr. Spoltman's observations and the staff report.

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, JUNE 23, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mark Spoltman made a motion to affirm the enforcing official's decision and the motion was seconded by Steve Reindel. All members were in agreement and the vote of 4-0 was recorded to affirm the enforcing official's decision.

3. **Resolution BZA 05-06-07-09**

A request to variance (1) private garage (2) side yard set back and (3) rear yard setback requirements for a private garage and a driveway to be located at 205 Cedarbrook.

The Clerk read the agenda item.

Mr. Schmiesing presented staff comments recommending approval with the condition that the setback dimension of one (1) foot be maintained between the structure face of the proposed private garage improvement and all property lines.

The property owner, Brian Lucas addressed the Board indicating that he accepted the staff's condition regarding the one foot setback.

No other persons approached the lectern to speak on this matter.

The board members deliberated on the item and cited their agreement with the finding of fact and conclusions drawn in staff's report.

A motion to approve the request with the proposed condition was made by Pat Jenkins and seconded by Mark Spoltman. All members were in agreement and the vote of 4-0 was recorded.

4. **Resolution BZA 08-09**

An appeal to the condemnation order of 408 N. Wayne St.

At the request of counsel for the applicant, this matter was continued and will be heard at the next regularly scheduled meeting.

**OTHER BUSINESS**

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

**ADJOURNMENT**

With no further business to conduct it was moved by Pat Jenkins and seconded by Steve Reindel that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:00 p.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"/>
Mr. Mark Spoltman	<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"/>
Mr. Mark Spoltman	<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"/>

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 08-09

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 May 13, 2009 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.

RESOLUTION No. BZA 08-09

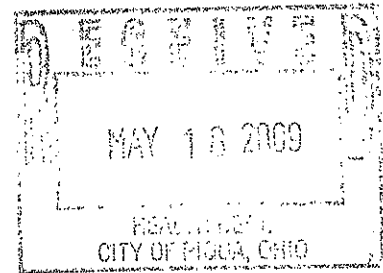
WHEREAS, the Piqua Health Department condemned 408 N. Wayne St. for various health and safety issues as indicated by the attached information and photographs.

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to affirm/deny/modify the appeal of the condemnation order of May 13, 2009. The Motion was seconded by \_\_\_\_\_ and the appeal was \_\_\_\_\_ with a vote of \_\_\_\_\_ as recorded below.

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	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"/>
Mr. Mark Spoltman	<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"/>

May 15, 2009



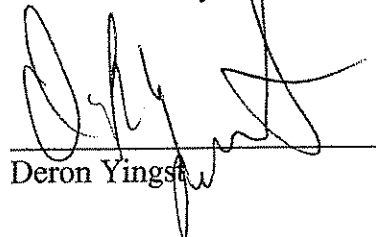
TO: City of Piqua Health Department  
201 West Water Street  
Piqua, OH 45356

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

**Notice of Appeal of notice of structure being condemned at 408 N. Wayne Street, Piqua dated May 13, 2009 and posted on Friday, May 15, 2009**

Now comes Absolute Construction Management LLC requesting an appeal hearing with the Board of Zoning Appeals. This hearing is to be scheduled immediately and not delayed as done in the past.

  
\_\_\_\_\_  
James Warnkey

  
\_\_\_\_\_  
Deron Yingst

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, APRIL 28, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**CALL TO ORDER**

At 6:00 Chairperson Mr. 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 Chair asked all persons present to stand and raise their right hand. The Chair 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, Chair Jimmie Reedy and Jean Franz

Members Absent: Pat Jenkins and Rebecca Harrison

Staff Members: Stacy Wall, Chris Boeke, Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Eric VanHoose, Jim Apple, Brian and Ann Quinter, Tom Cline, Jim Calvert, Laura Schmidt, Deron Yingst, and Chris Wesner.

The Chair moved to excuse Pat Jenkins and Rebecca Harrison from the meeting and Mr. Reedy seconded the motion. 3 ayes, 0 nays.

**OATH OF OFFICE**

The Chair introduced Mr. Reedy as the newest member of the Board and Law Director, Stacy Wall administered the Oath of Office to Mr. Reedy.

**MEETING MINUTES**

The Chair made a motion to postpone the approval of the November 25, 2008 meeting minutes due to the absence of Mr. Jenkins and Ms. Harrison. The motion was seconded by Ms. Franz and all voted aye.

**OLD BUSINESS**

None

**NEW BUSINESS**

1. Resolution BZA 01-09

A resolution nominating and electing the Committee chairperson and vice person for the 2009 calendar year was tabled due to the absence of Ms. Harrison and Mr. Jenkins. Motion made by the Chair, seconded by Ms. Franz. All voted aye.

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, APRIL 28, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

2. Resolution BZA 02-09

An appeal to the February 1, 2009 condemnation order pertaining to 408 N. Wayne St.,

The Clerk read the agenda item.

Mr. Boeke offered staff comments noting that a condemnation order was sent to Absolute Construction Management on February 3, 2009. 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. The owner was also informed that the building had to be completely vacated by 2-10-09.

Mr. Boeke indicated that Absolute allowed people to occupy apartments that were condemned and that only one apartment was in working order and allowed to be occupied. The Health Dept. attempted to allow Absolute 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 apartment by unlicensed plumbers in an attempt to renovate the building.

Chris Wesner, the attorney for Absolute Construction stated that the City listed Section 91.20 in the code as the violation. He stated that on 2-5-09 the property doors were secured by lock. On 4-8-08 he indicates that Mr. Boeke visited the property as a tenant was moving in and stated he could occupy the apartment. On several occasions inspectors were in the building and said that the property could be occupied. Mr. Wesner also provided his interpretation of Section 104.3 and 107 of the Code. Mr. Wesner's argument is that since the City did not provide the proper notice for the infractions, nor did the City provide reasonable time to make the corrections therefore, the order is not valid.

Mr. Yingst presented the Board with a package. Mr. Yingst reiterated that he did not receive any notification of any violations; just received notice that the building was unlocked. Mr. Yingst also explained that he never received a citation for anything. The Board accepted the packet as part of the record for Resolution 02-09.

Laura Schmidt with Coughlin Chiropractic spoke with regard to her property at 404 N. Wayne Street with is next door to the building. They have experienced shopping carts and trash from the tenants. There are parking issues, beer cans and bottles and tenants soliciting their clients for odd jobs. There is drug trafficking and Ms. Schmidt can attest to cabinets being delivered and the trucks being parked in Coughlin's handicapped spots. The traffic has caused an impact to their business.

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, APRIL 28, 2009

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Jim Apple represents the Knights of Columbus and indicated that his building is adjacent to Mr. Yingst's property. Mr. Apple's building has a rubber roof on it and has spent thousands of dollars in repair with trash being deposited on the roof and cigarette butts thrown on the roof causing 75-100 patches for burn holes. He commented that it continues to be a problem.

Public Comment Closed

The Chair motioned to modify the condemnation order to permit occupancy in those units that have been brought up to code and approved by the Health Department and to continue to have a condemnation order for all units that are not suitable for dwelling until such units are brought up to code. The motion was seconded by Jean Franz. The modification to the condemnation order was passed with a vote of 3-0.

3. Resolution 03-09

A resolution to request a setback variance for a proposed addition to the principal structure located at 1508 W. High St.

The Clerk read the agenda item.

Mr. Schmiesing provided the staff report for the City indicating the conditions necessitating this variance request are not the result of unique or peculiar circumstances 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 condition in conflict with the zoning code requirements.

Brian Quinter the owner of the property spoke and indicated that he wants to do an improvement to the property. Two letters from neighbors, Donald Wells, Pastor of Piqua Baptist Church and Jeff & Stacey Weingandt were presented in support of Mr. Quinter's request indicating no objection to the requested addition. The letters were accepted by the Board as part of the record for Resolution 03-09.

Eric VanHoose with Buschurs Home Improvement outlined the structure.

Public Comment Closed

The Chair motioned to deny the variance application and the motion was seconded by Jean Franz. The resolution was denied with a vote of 3-0.

**OTHER BUSINESS**

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

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, APRIL 28, 2009

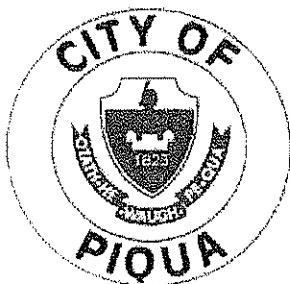
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**ADJOURNMENT**

With no further business to conduct it was moved by the Chair and seconded by Ms. Franz that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:45p.m.

# 408 N Wayne Street





## HEALTH DEPARTMENT

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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

June 11, 2009

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

### GENERAL INFORMATION

Applicant: Deron Yingst  
Owner: Absolute Construction Management LLC  
Location: 408 N. Wayne St.  
Zoning: Central Business District  
Land Use  
Existing: Multi-family dwelling unit  
Proposed:  
Request: The owner is appealing the condemnation of the above building.

### DISCUSSION/FINDINGS

A condemnation order was sent certified mail to Absolute Construction Management LLC at 239 Dream Catcher Dr., Kewaskum, WI, on May 13, 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 condemned after an inspection on 4/30/09 revealed an unapproved heating source, no panic hardware on the exit doors, plumbing that was done without permits, plumbing that was not up to code and endangering the water supply for the entire building, open sewer lines, no backflow preventers, electrical work done without permits, electrical work that was not up to code endangering the entire building and structural concerns.

The inspection of 4/30/09 was conducted as a result of the 4/28/09 BZA hearing which allowed apartment 12 at 408 N. Wayne St. to be occupied. As part of the Health Dept's standard procedure before un-condemning a structure, an inspection was conducted to confirm the safety of that structure. During the inspection, new conditions were found

that made the occupancy of any apartment in the apartment section of the building impossible. Substantial amounts of work had been done that affected the entire building, even though no one had permission from the Health Dept to be in the condemned building and none of the required permits were obtained. Additional inspections by the Chief Plumbing Inspector and Miami County Building Regulations confirmed the fact that the building is unsafe and must not be occupied in its current condition.

### **Health & Safety**

There were multiple health and safety concerns observed in the building during the 4/30/09 inspection. The boiler had not been inspected by the Ohio Dept of Commerce since 4/11/07. Boiler inspections are required to be performed annually to ensure safe and proper operation of the heating system for building. Additionally, there was no panic hardware on the front or back exit doors, causing multiple egress hazards. There also was a damaged exit sign on the second floor.

### **Plumbing**

There are numerous safety concerns in regard to the plumbing system. Only two (2) plumbing permits were obtained for 408 N. Wayne St. The permits were for two (2) water heaters, three (3) bath tubs, two (2) sinks and one (1) toilet. However extensive plumbing has been done on every floor of the building. Multiple water lines have been run through out the entire building. Multiple connections, alterations, and valves have also been installed. No permits were obtained for this work and no inspections were performed. The plumber, Tim Jamison of GT Plumbing, who obtained the original permits, as required by code, submitted a written statement to the Health Dept. saying that he only did the work outlined in the permits and nothing else. All plumbing must be done by a licensed plumber and this apparently did not occur.

In addition to the plumbing work being done without proper permits, it was found during the 4/30/09 inspection that the new plumbing was done incorrectly and not up to code. The plumbing work that has been done is in such a state that the Chief Plumbing Inspector has issued a letter saying that the building should not be occupied until all of the improper plumbing has been repaired. There are open sewer lines in the building, missing back flow preventers, improper connections, improper valves, and prohibited traps. All of which compromise the safety of the water supply for the entire building.

### **Electrical**

Extensive electrical work has been done in the building after the previous 2/3/09 inspection. At least nine (9) electrical breaker boxes have been installed in multiple locations throughout the building. No permits were obtained for this work. Since no permits were obtained, no inspections have been conducted to ensure that this major work has been done up to electrical code. There are also existing electrical violations in the building that were found during the 4/30/09 inspection in areas that were previously

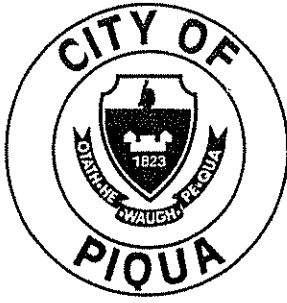
inaccessible. There are several fuse and breaker boxes which are inaccessible and can not be properly used, there are fuse boxes that are not properly attached to walls, and there are electrical connections that have been made outside of junction boxes. The electrical system is considered to be so hazardous that the Chief Building Official has issued a letter saying that the building should not be occupied.

### **CONCLUSION**

Absolute Construction Management LLC has done extensive work in the property located at 408 N. Wayne St. without the proper permits or proper inspections. They have consistently attempted to circumvent the proper procedures for renovating buildings. They have failed to submit plans for the work they are attempting to do. As a result of their failure to do work in the proper manner, they have created many new hazards in the building that were not previously known by the Health Dept. By incorrectly adding water lines and other plumbing fixtures they have endangered the water system for the entire building, making any previous approval of occupancy null and void. The adding of major electrical components without the proper plans, permits or inspections has also endangered the safety of the building. By changing the plumbing and electrical systems the previously approved apartment 12 can no longer be considered safe and habitable. The current status of the building is so unsafe that not only is the Health Dept. saying the building is unsafe and should not be occupied, but the Chief Plumbing Inspector and the Chief Building Official both say that the building should not be occupied and is uninhabitable. Both of these officials have written letters explaining this fact. These letters are included in this packet.

### **RECOMMENDATION**

Staff recommends that the Board of Zoning Appeals uphold the condemnation order as issued by the Health Dept and not allow the building located at 408 N. Wayne St. to be occupied until Absolute Construction Management obtains all needed permits, complies with all requirements from the Piqua City Health Dept, Plumbing Dept and Miami County Building Regulations, properly completes all needed repairs and brings the entire building back up to code before allowing the building to be reoccupied.



## HEALTH DEPARTMENT

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

May 13, 2009

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

Dear Absolute Construction Management LLC:

Subsequent to your Board of Zoning Appeals hearing on 4/30/09, an inspection was conducted to evaluate the current occupancy capabilities of your building located at 408 N. Wayne St. Piqua, OH Parcel ID N 44002230. Multiple deficiencies that were previously unknown to the Health Dept. were found that prohibit the occupancy of any portion of the building at this time. The building has multiple plumbing, building, electrical and property maintenance violations. Therefore the entire structure is deemed CONDEMNED pursuant to the Housing Property Maintenance Code (International Code Council (ICC) International Property Maintenance Code) as adopted by the City, Code Section 150.105, and Piqua Code 91-20 effective immediately.

The following conditions and violations were observed at the 4/30/09 inspection:

### HEALTH & SAFETY

- Unapproved heating source. The boiler inspection tag was dated 4/11/07. The boiler must be inspected annually by the Ohio Dept of Commerce to ensure its proper function.
- No panic hardware on the front or back doors, creating multiple egress hazards.
- Improper exit signs on the second floor.

### PLUMBING

- Plumbing work done without the proper permits. All plumbing must be done by a licensed commercial plumber and properly inspected. A plan review is also required due to the scope of the plumbing work under taken.
- Plumbing done in the building is not up to plumbing code endangering the water supply for the entire building. Reference the enclosed letter from the Chief Miami County Plumbing Inspector detailing the multiple Plumbing Code violations.
- Open sewer lines in multiple locations emitting sewer gas. This is also a life safety issue as well as a plumbing code violation.
- No backflow preventers as required which endangers the water supply to the entire building.

### ELECTRICAL

- Electrical work done without proper permits. All electrical work must be done by a licensed commercial electrician and the work inspected. Also four (4) sets of detailed drawings sealed by an architect or engineer licensed by the State of Ohio must be submitted to Miami County Building Regulations as part of the permit process.

Reference the enclosed letter from the Chief Building Official from Miami County Building Regulations.

- Multiple electrical breaker boxes installed without permits.
- Electrical work not up to code.

#### STRUCTURAL

- A structural engineer must be contracted to assess any structural hazards and code violations. Reference the enclosed letter from the Chief Building Official from Miami County Building Regulations.
- A State of Ohio licensed Boiler Installer must be contracted to assess the boiler if it is to be used as the main source of heat in the building.

The Piqua City Health Dept. has secured the building and posted "No Trespassing" signs 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.

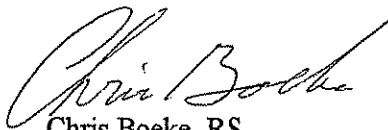
This location may NOT BE RE-OCCUPIED until all permits are obtained, all violations are corrected, the location is deemed fit for human occupancy and written notice is received from the Piqua City Health Department. Violations to be corrected also include the previously supplied list of deficiencies dated 2/18/09. This notice references the current condition of the building and therefore supersedes the 10/31/08 letter indicating that apartments 408, 408 ½ and 11 could be occupied. Again, no part of the building is habitable at this time. This shall also serve as notice that the Piqua City Health Department will take whatever action is necessary, including razing the structure, to abate the nuisance at this location and bill you for the charges in accordance with ordinance 91-23. The property must be brought into compliance with all pertinent codes by 8/31/09. If the building is not in total compliance then the Health Dept will proceed with abatement action.

Also enclosed with this notice are reports from Miami County Building Regulations and the Piqua City Plumbing Inspector. Both reports outline deficiencies with the building and state that the building is not safe to be occupied.

#### 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.



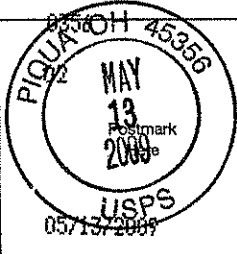
Chris Boeke, RS  
Piqua City Health Dept.

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)

7002 6902 0002 0680 9649

Article Sent To:  
 Kewaskum WI 53040

Postage	\$	\$0.44
Certified Fee	\$	\$2.00
Return Receipt Fee (Endorsement Required)	\$	\$2.30
Restricted Delivery Fee (Endorsement Required)	\$	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.54</b>



Name (Please Print Clearly) (To be completed by mailer)  
 Absolute Construction Mngmt. LLC  
 Street, Apt. No.; or PO Box No.  
 239 Dream Catcher Dr.  
 City, State, ZIP+4  
 Kewaskum, WI 53040

PS Form 3800, July 1999 See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requested" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address  
 2.  Restricted Delivery

3. Article Addressed to:  
 Absolute Const. Mngmt.  
 239 Dream Catcher Dr.  
 Kewaskum, WI  
 53040

4a. Article Number  
 7099 3220 0002 0680 9649

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

5. Received By: (Print Name)  
 Sue Warnkey 5-16-09

6. Signature (Addressee or Agent)  
 Sue Warnkey

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

James A. Luken, MPH, RS  
Health Commissioner

James S. Burkhardt, DO  
Medical Director

510 West Water Street, Suite 130, Troy, Ohio 45373-2985  
Phone (937) 440-8105 FAX (937) 440-8106



Piqua City Health Department  
Chris Boeke  
201 West Water Street  
Piqua OH 45356

May 4, 2009

Dear Mr. Boeke:

On February 10, 2009 an inspection was made at 408 N. Wayne Street, Piqua, by the request of Chris Boeke, Piqua Health Department. He asked if any inspections or permits had been issued for any work done at this address. Records show two permits; 2008/0052 for Apartment #12, and 2008/0018 for a water heater and two bath tubs. These were issued to G.T. Plumbing.

The day of the inspection the tenants did not have hot water and some apartments without a working bathroom. Many of the occupied units had open drain lines emitting sewer gas into the room. There were also areas on the second and third floors where plumbing work had been improperly installed without the proper permits or inspections.

The following code violations must be corrected before any occupancy.

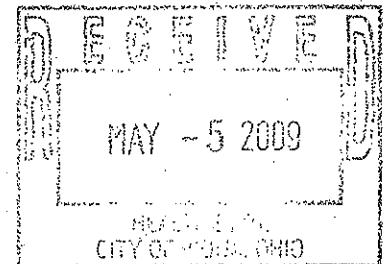
<u>OPC Code</u>	<u>Description</u>
O105.1	Required Permits
109.9.1	Testing
110.1.2	Building Alteration or Additions
303.0	Materials #25, #13
301.3	Connections to Sanitary Drainage System - Laundry
308.5	Interval of Support - All
608.13	Backflow Protection - Building
608.15.4	Vacuum Breaker - Laundry
308.16.2	Connect to Boilers - Mech.
704.5	Dead Ends in Drainage System - All
705	Joints Between Different Materials - #13, #25, #22, #23
706.1	Connections Between Drainage Pipe and Fittings - All
917.0	Air Admittance Valves #25
1002.3	Prohibited Traps - All

If you have any questions, please call 937-440-5456 between 8am-9am.

Sincerely,

*P.B. McMillen*

P.B. McMillen  
Chief Plumbing Inspector



# MIAMI COUNTY BUILDING REGULATIONS

## SERVING MIAMI, DARKE & MERCER COUNTIES

510 W. WATER ST., SUITE 120  
TROY, OH 45373  
PHONE: (937) 440-8075  
FAX: (937) 440-5486

520 S. BROADWAY  
GREENVILLE, OH 45331  
PHONE: (937) 547-7379  
FAX: (937) 547-1928

May 6, 2009

City of Piqua  
Attn: Christopher Boeke, R.S.  
201 West Water Street  
Piqua, OH 45356

RE: 408 N. Wayne St., Piqua

Dear Mr. Boeke,

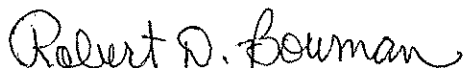
As you requested, our office has looked at the property listed above. It is our recommendation that the owner of the above listed property acquire the services of a licensed electrician to assess the situation at that location for electrical hazards and code violations.

It is also recommended that a structural engineer be contracted to assess any structural hazards and code violations and a State of Ohio licensed Boiler Installer be contracted to assess the heating situation if the Boiler will be used as a heat source.

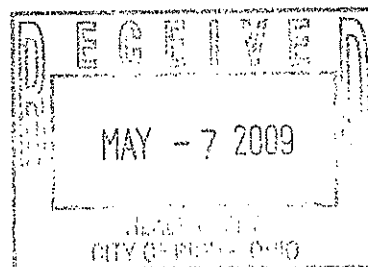
Once this is done, a building and electric (heating if necessary) permit will need to be applied for thru our office. We will need 4 sets of detailed drawings sealed by an architect or engineer licensed by the State of Ohio. Once approved by our plans reviewer we will issue the permit and the work can begin.

There appears to be numerous code violations and safety hazards and in our opinion this building is not inhabitable in its current condition.

Sincerely,



Robert D. Bowman  
Chief Building Official

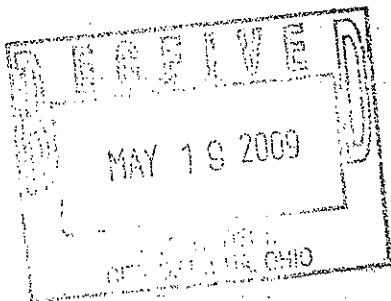


CITY OF PIQUA,

5-19-09

To whom it may concern

Request from Chris Boeke with city of Piqua. All plumbing that GT Plumbing done was INSP AND Permits were took out. I met with Barry plumbing Inspector for Miami co, Chris city of Piqua AND Jerry plumbing Insp. At 408 N. WAYNE went over what plumbing was done by myself AND what was done by Daron Yingst. He said was done by GT Plumbing which was not. GT Plumbing has put a MECHANICS LIEN ON 408 N. WAYNE for NO payment. I feel when they couldn't pay is when they started doing plumbing themselves AND I have not been paid as of this date. Most all the plumbing is in need of Replacement AND is very unsafe at this time. GT Plumbing is Reg to do plumbing AND is State License #24188 which is required for this work. Again all plumbing was INSP AND Approved that was done by GT Plumbing 1- Shower was not AND needs Insf which Barry was AWARE of this then payment stoped AND Never was INSP or completed to be INSP.



GT Plumbing

Jim Farnham

COPY

PIQUA CITY HEALTH DEPARTMENT  
201 W. Water Street  
Piqua, Ohio 45356  
1-937-778-2060  
www.piquaoh.org

PERMIT # 20080052  
DATE: 7-9-08

PLUMBING APPLICATION PERMIT

Application is hereby made for a permit to do plumbing as described in this application and is to be installed in accordance with the building and plumbing codes of the City of Piqua, Ohio.

LOCATION 408 N Wayne Apt 12 RESIDENTIAL  COMMERCIAL

OWNER Devon Yungst / James Warnkey PHONE # 330-524-3984  
512 Adams Piqua / 239 Dream Lakehurst 262-707-7517  
OWNERS ADDRESS Kewaskum WI

INSTALLER GT Plumbing / Tim Jamison PHONE # 937-606-1157  
FEES

PLAN REVIEW RESIDENTIAL	\$10.00	PLAN REVIEW COMMERCIAL \$01/FT (MIN \$25.00)	_____
BASIC PERMIT FEE	\$30.00	SEWER SERVICE CONNECTION	\$30.00 _____
WATER SERVICE CONNECTION	\$30.00	STORM SEWER LATERAL	\$20.00 _____
SPECIAL INSPECTION	\$100.00	WATER HEATER REPLACEMENT	\$20.00 _____
FIXTURES 3 Faucet 1 Toilet	\$8.00 EA	WATER SOFTNER REPLACEMENT	\$20.00 _____
		TOTAL DUE: <u>\$62.00</u>	

FIXTURES B 1 2 3 4      FIXTURES B 1 2 3 4      FIXTURES B 1 2 3 4

Water Closet	1				Sink	1			Urinals				
Bath Tub	1				Washing Machine				Shower Drain				
Floor Drain					Mop Sink				Garage Drain				
Lavatories	1				Drinking Fountain				Sump Pump				
Laundry Tray					Sewage Injector				Water Softner				
Dishwasher					Grease Trap				Water Heater	1			
Disposal					AAV				Back Flow				

COMMERCIAL FACILITIES:

Will this facility require a Food Service or Food Establishment License (Pursuant to Chapter 3717 ORC)? YES \_\_\_\_\_ NO \_\_\_\_\_

NOTE:

PLANS MUST BE APPROVED AND PERMITS SECURED BEFORE STARTING ANY WORK.

I agree to abide by all Regulations of the Piqua City Health Department pertaining to Plumbing Installations.

Applicant: GT Plumbing  
Address: 8540 Snodgrass Rd  
Phone Numbers: 1-937-606-1157

OFFICE USE ONLY

\* SEWER CONNECTION COPY TO \_\_\_\_\_ Wastewater \_\_\_\_\_ Utilities

AMOUNT PAID \$ 62.00 cash

Taken By: CRS McC-184469

Absolute Construction Management LLC

COPY

PIQUA CITY HEALTH DEPARTMENT  
201W. Water Street  
Piqua, Ohio 45356  
1-937-778-2060  
www.piquaoh.org

PERMIT # 20080018  
DATE: 4-7-08

PLUMBING APPLICATION PERMIT

Application is hereby made for a permit to do plumbing as described in this application and is to be installed in accordance with the building and plumbing codes of the City of Piqua, Ohio.

LOCATION 408 Wayne St 408 Wayne St RESIDENTIAL  COMMERCIAL   
OWNER Daron Yungst / Absolute Const. PHONE # \_\_\_\_\_  
OWNERS ADDRESS 52 Adam St  
INSTALLER GT Plumbing PHONE # 606-1157

FEES

PLAN REVIEW RESIDENTIAL \$10.00 PLAN REVIEW COMMERCIAL \$.01/FT (MIN \$25.00) \_\_\_\_\_  
BASIC PERMIT FEE \$30.00 30.00 SEWER SERVICE CONNECTION \$30.00 \_\_\_\_\_  
WATER SERVICE CONNECTION \$30.00 \_\_\_\_\_ STORM SEWER LATERAL \$20.00 \_\_\_\_\_  
SPECIAL INSPECTION \$100.00 \_\_\_\_\_ WATER HEATER REPLACEMENT \$20.00 \_\_\_\_\_  
FIXTURES 3X \$8.00 EA 24.00 WATER SOFTNER REPLACEMENT \$20.00 \_\_\_\_\_

TOTAL DUE: \$ 54.00

FIXTURES	B	1	2	3	4	FIXTURES	B	1	2	3	4	FIXTURES	B	1	2	3	4
Water Closet						Sink						Urinals					
Bath Tub		1	1			Washing Machine						Shower Drain					
Floor Drain						Mop Sink						Garage Drain					
Lavatories						Drinking Fountain						Sump Pump					
Laundry Tray						Sewage Injector						Water Softner					
Dishwasher						Grease Trap						Water Heater	1				
Disposal						AAV						Back Flow					

COMMERCIAL FACILITIES:

Will this facility require a Food Service or Food Establishment License (Pursuant to Chapter 3717 ORC)? YES \_\_\_\_\_ NO \_\_\_\_\_

NOTE:

PLANS MUST BE APPROVED AND PERMITS SECURED BEFORE STARTING ANY WORK.

I agree to abide by all Regulations of the Piqua City Health Department pertaining to Plumbing Installations.

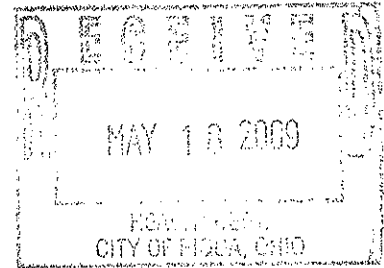
Applicant: GT Plumbing  
Address: 8540 Snodgrass Rd Conover, Ohio 45317  
Phone Numbers: 1-937-606-1157

OFFICE USE ONLY

\* SEWER CONNECTION COPY TO \_\_\_\_\_ Wastewater \_\_\_\_\_ Utilities

AMOUNT PAID \$ 54.00 ck 369

Taken By: GTB Rec. 181965



May 15, 2009

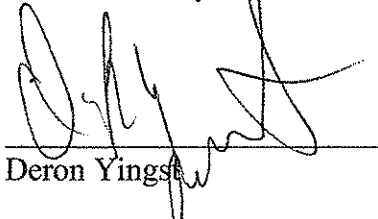
TO: City of Piqua Health Department  
201 West Water Street  
Piqua, OH 45356

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

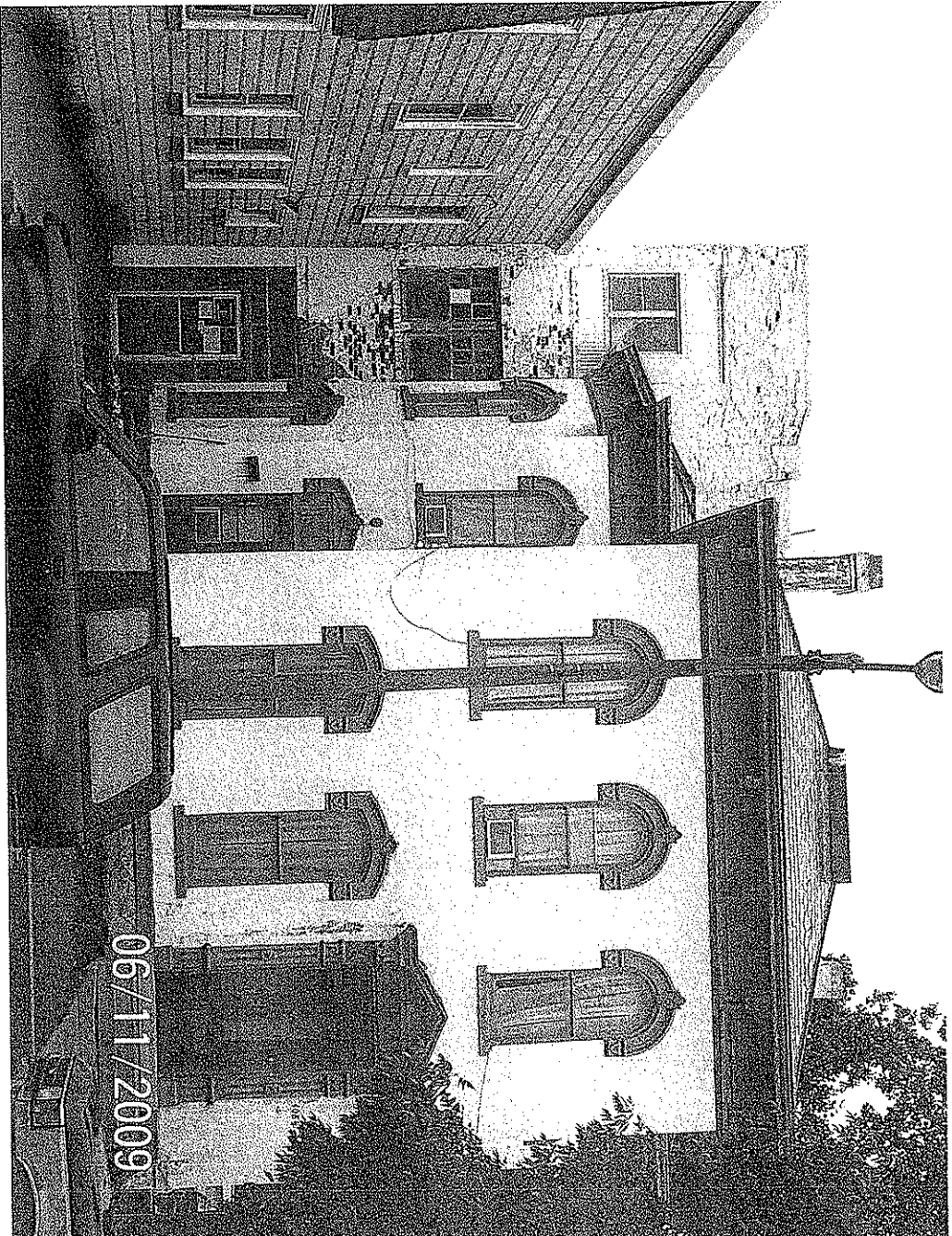
**Notice of Appeal of notice of structure being condemned at 408 N. Wayne Street, Piqua dated May 13, 2009 and posted on Friday, May 15, 2009**

Now comes Absolute Construction Management LLC requesting an appeal hearing with the Board of Zoning Appeals. This hearing is to be scheduled immediately and not delayed as done in the past.

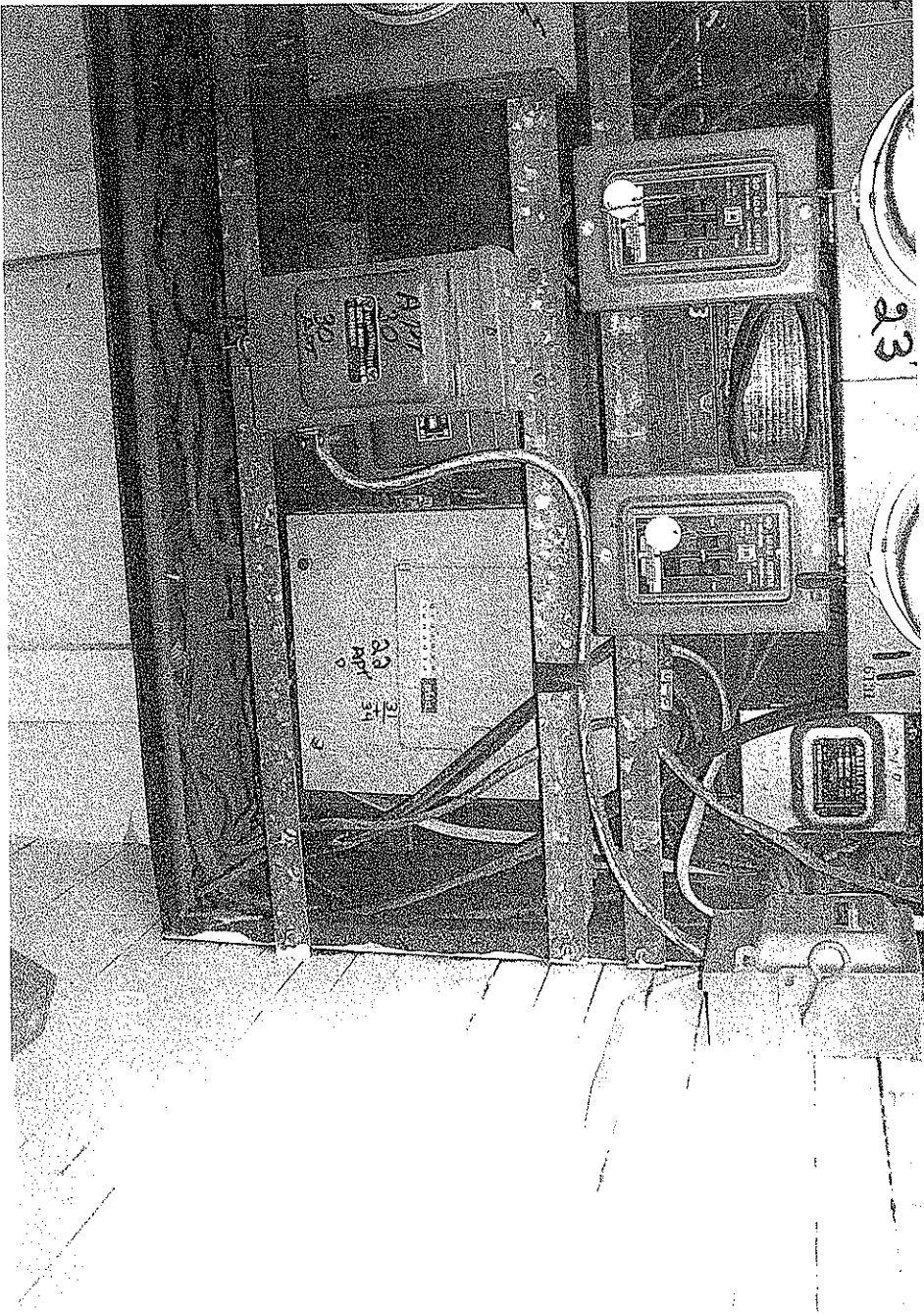
  
\_\_\_\_\_  
James Warnkey

  
\_\_\_\_\_  
Deron Yings

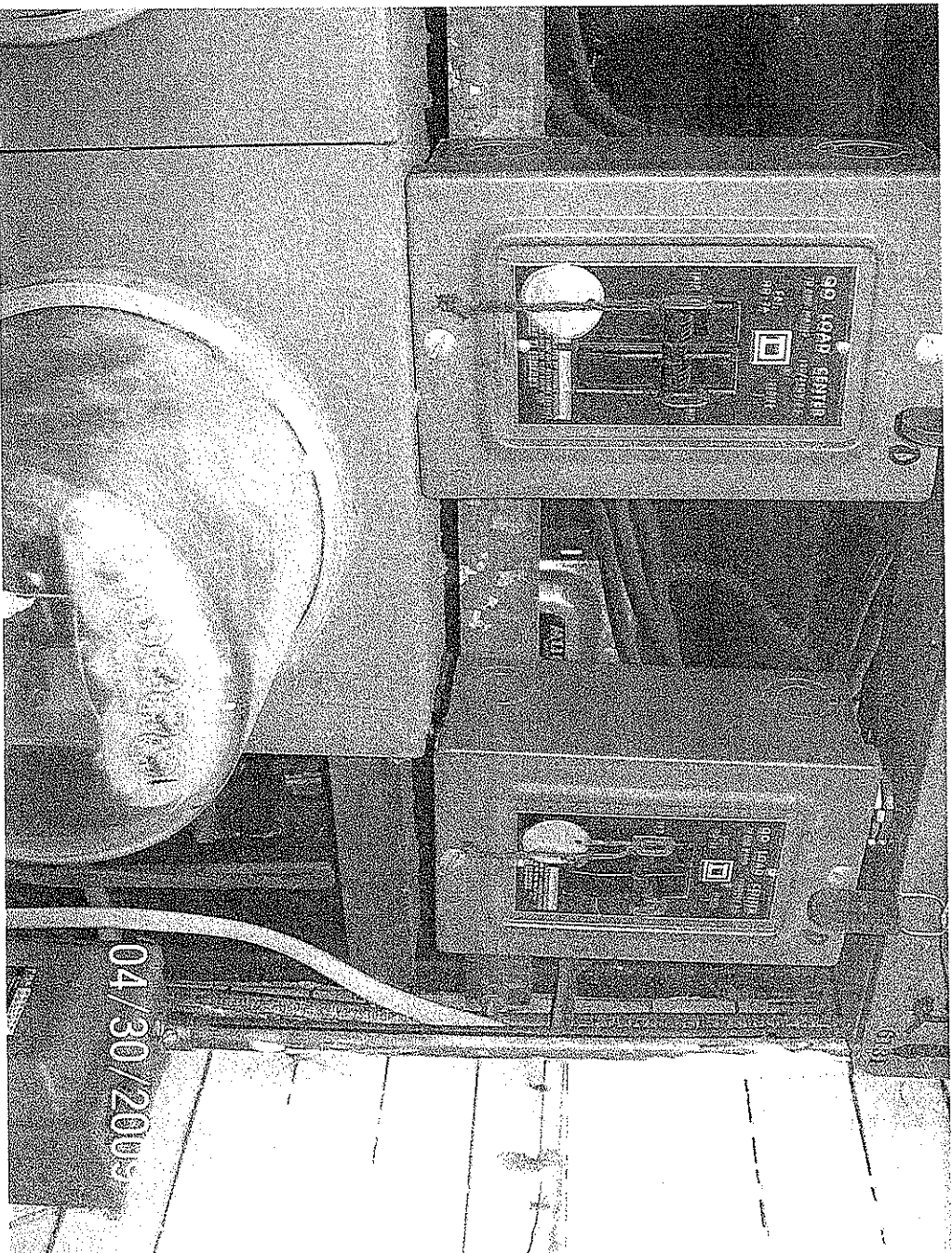
# 408 N. Wayne St.



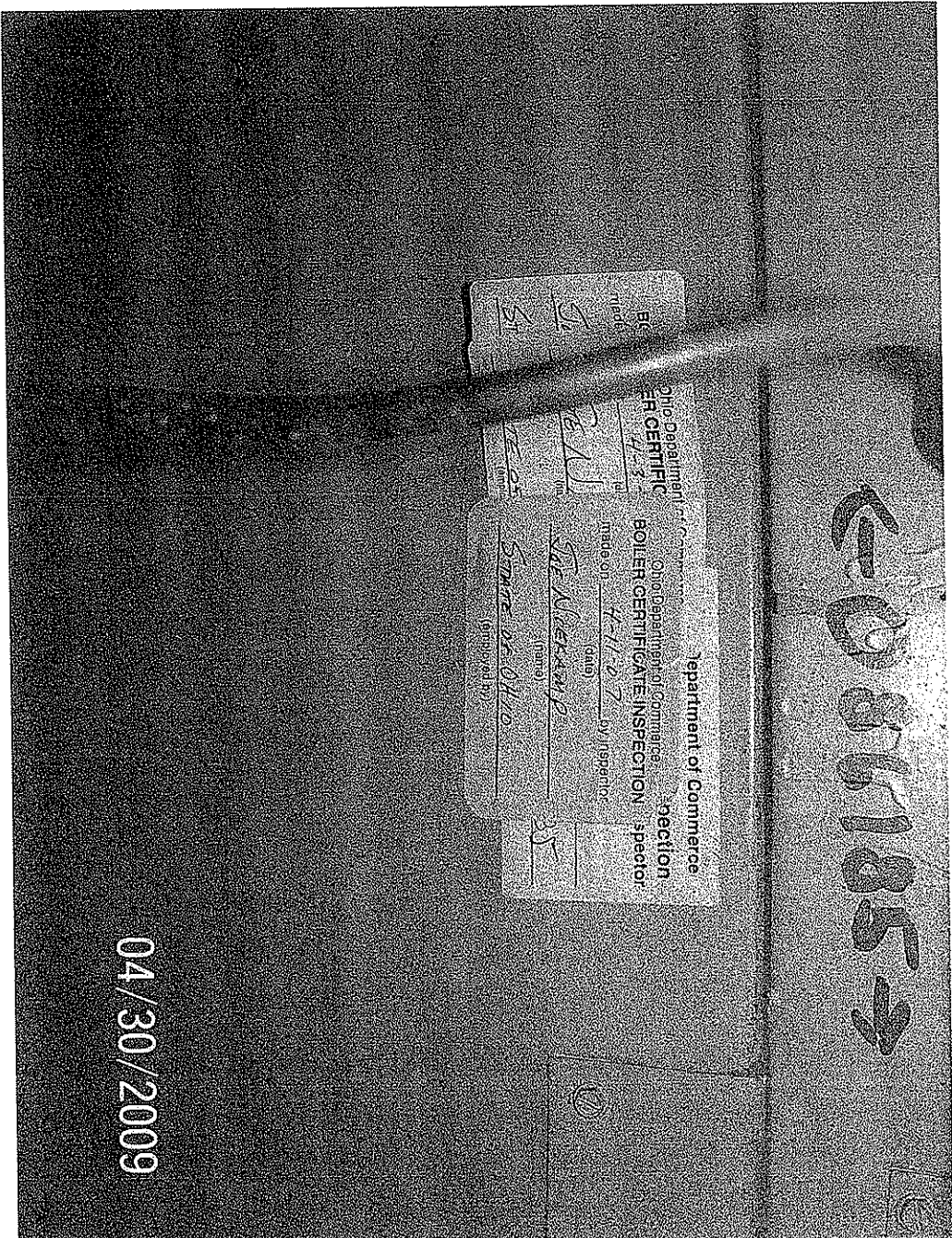
# 408 N. Wayne St Boiler Room



# 408 N. Wayne St Boiler Room

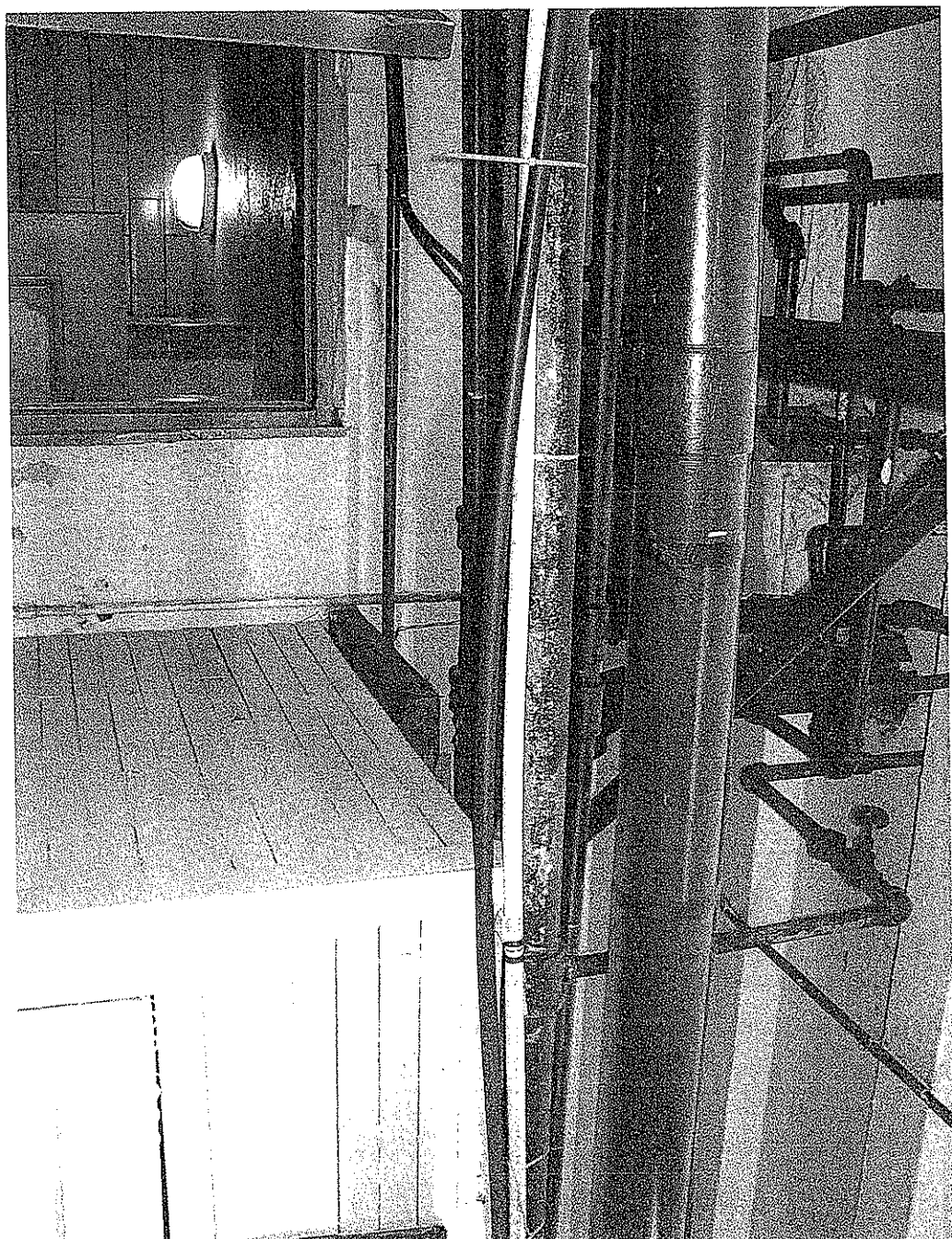


# 408 N. Wayne St Boiler Room

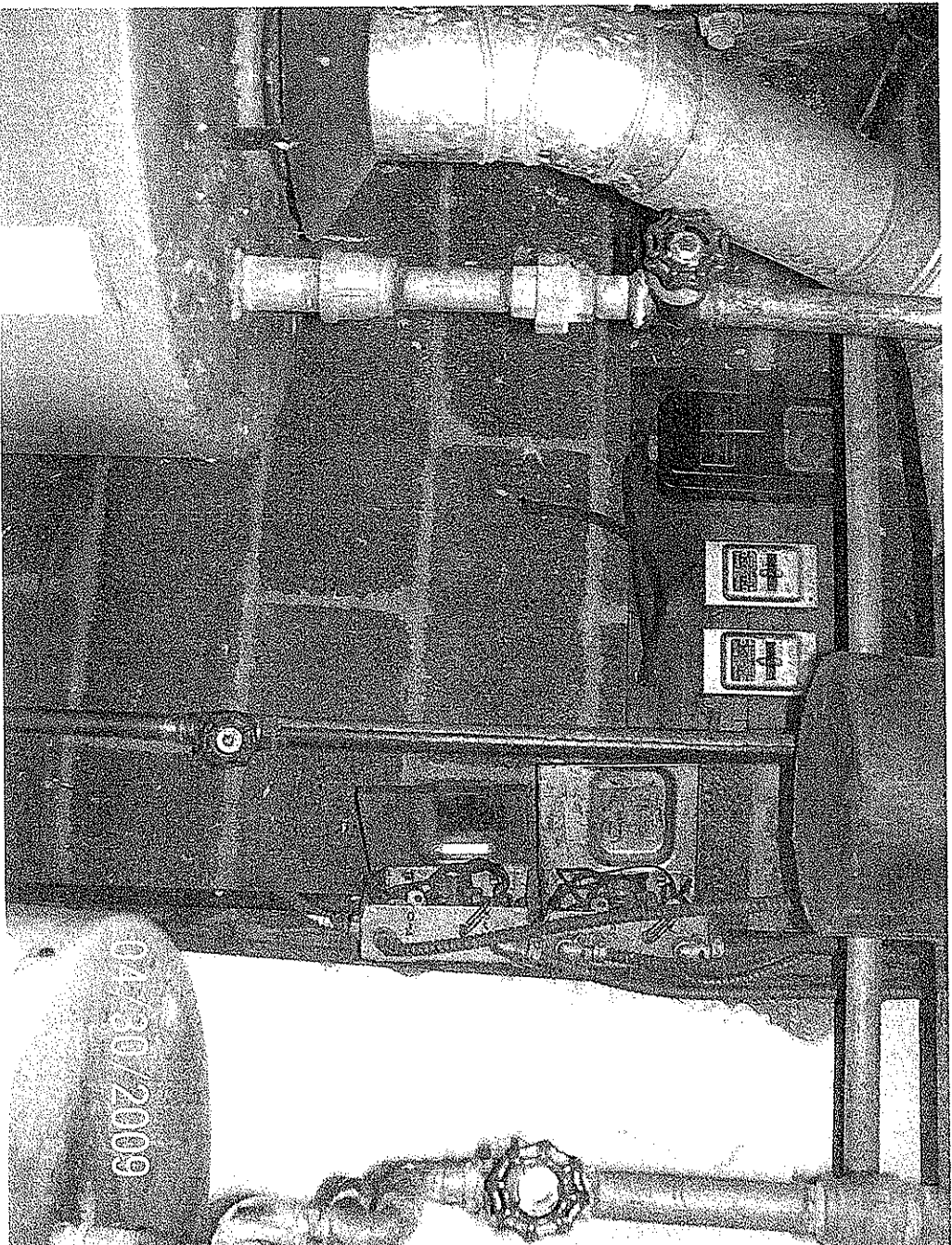


04/30/2009

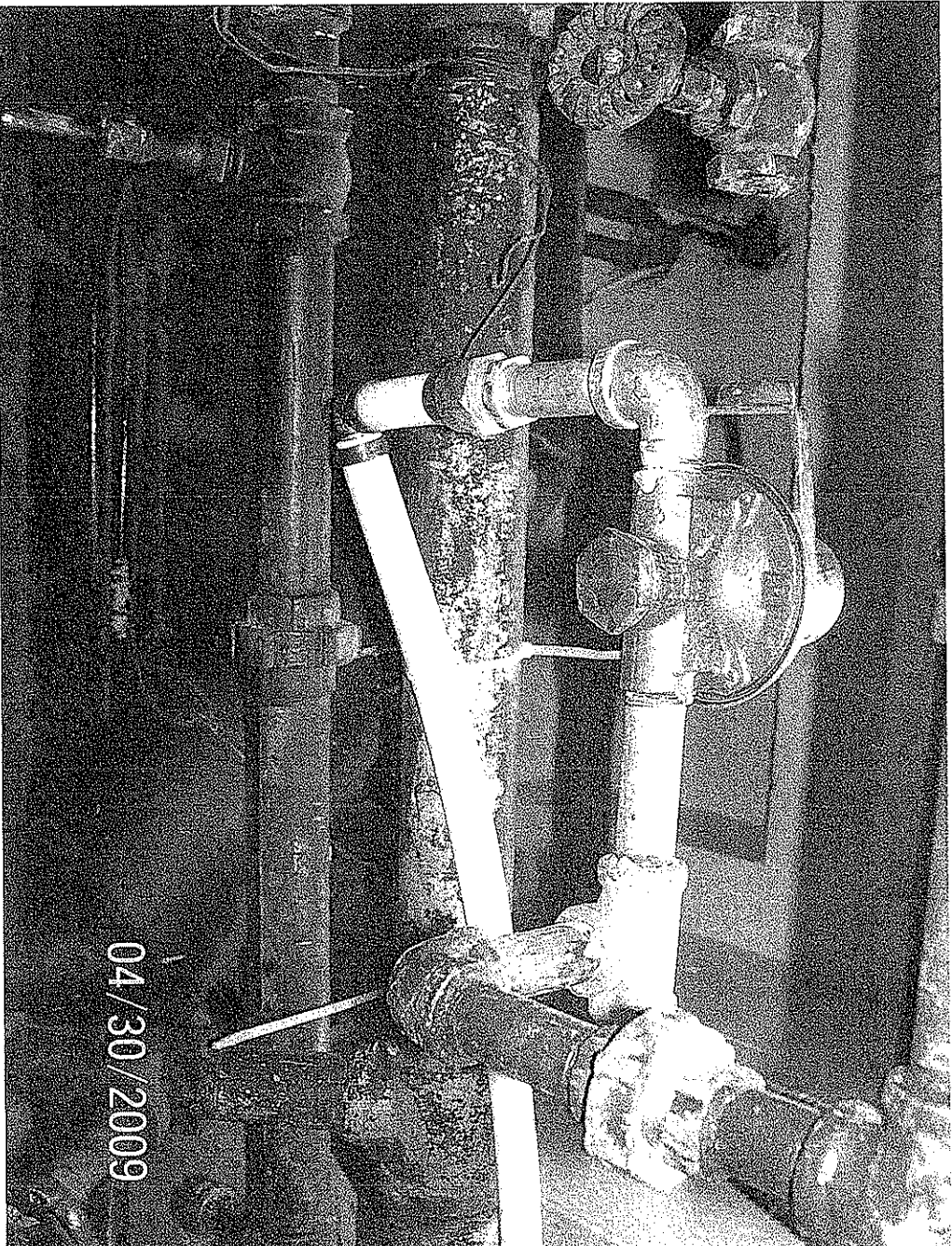
# 408 N. Wayne St Boiler Room



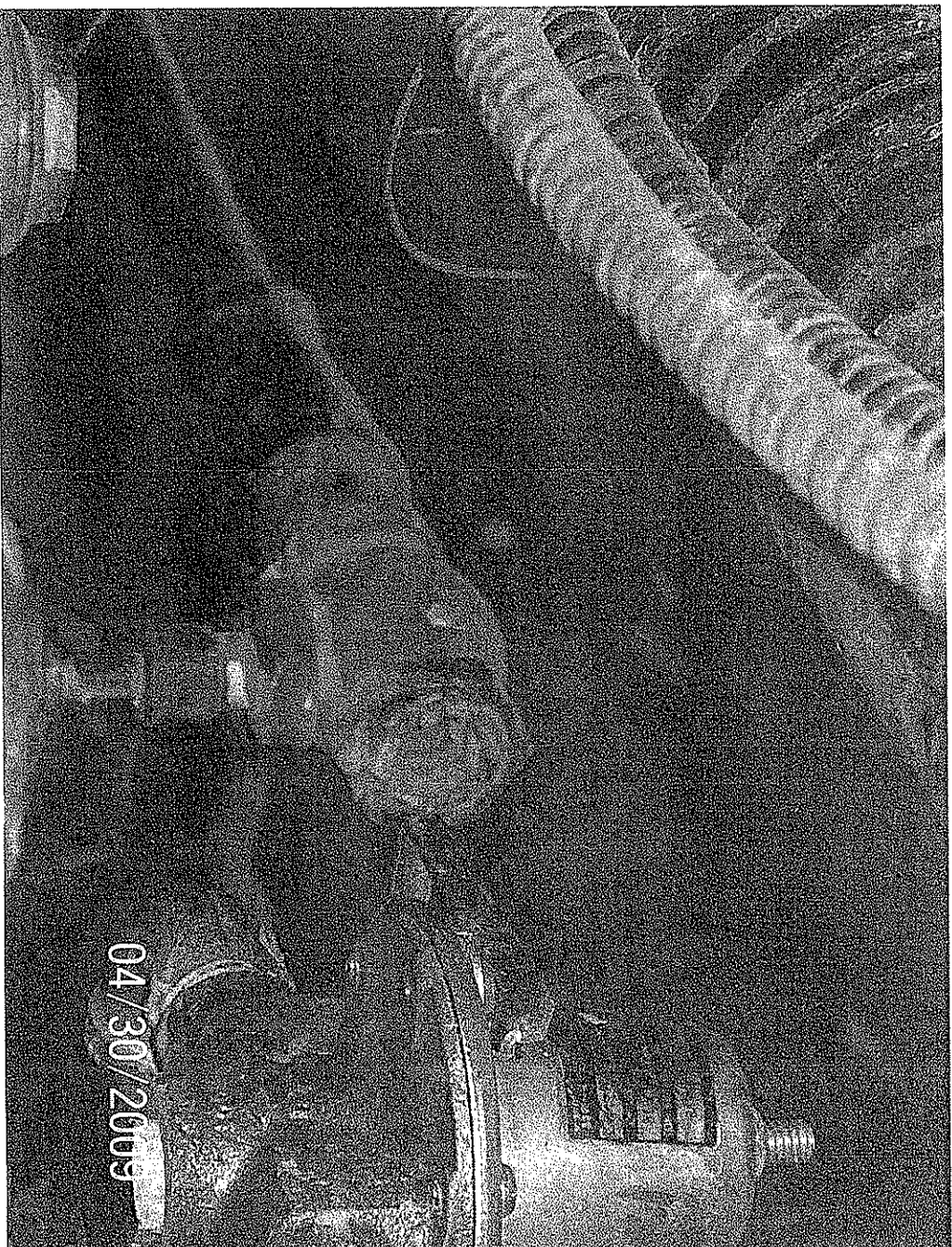
# 408 N. Wayne St Boiler Room



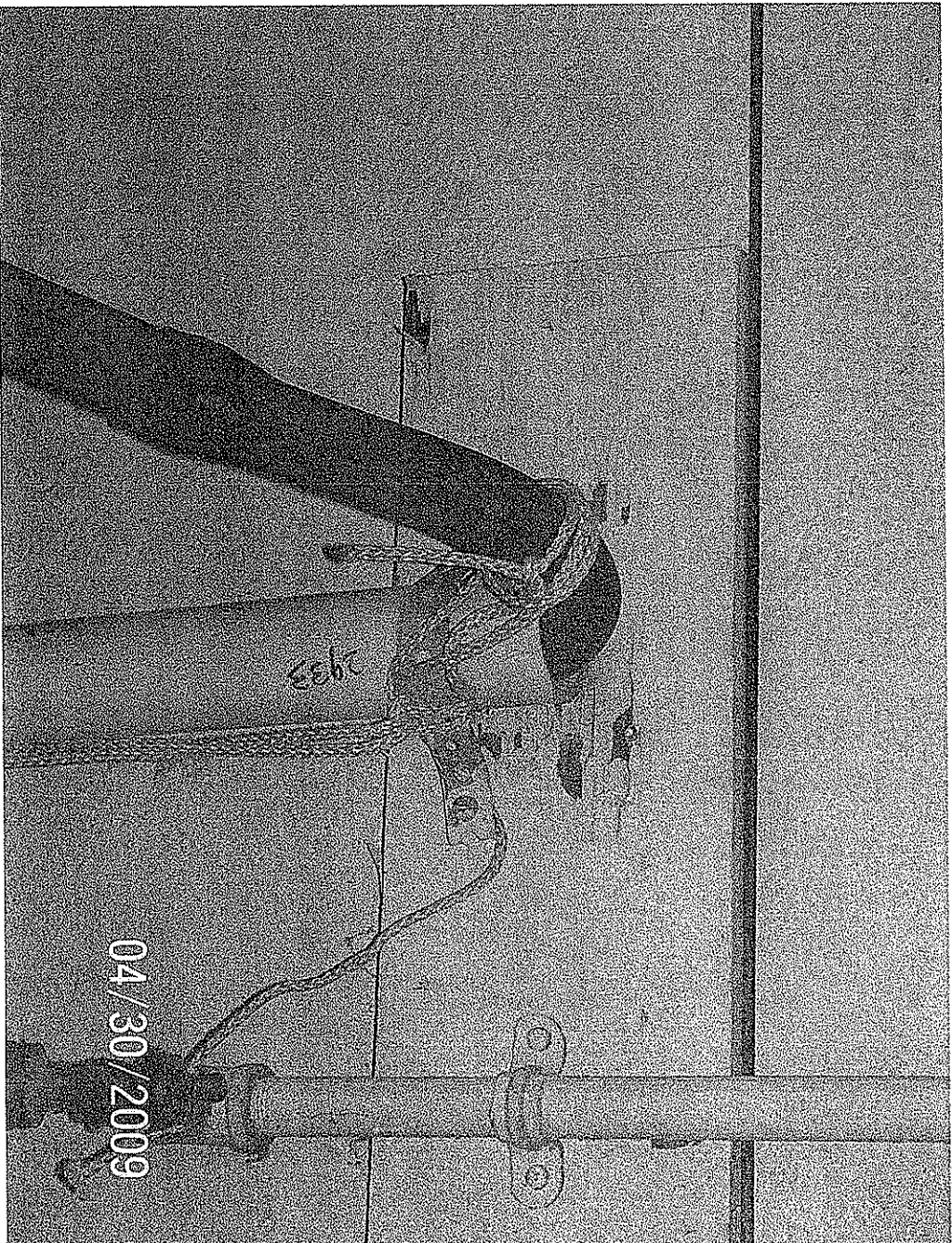
# 408 N. Wayne St Boiler Room



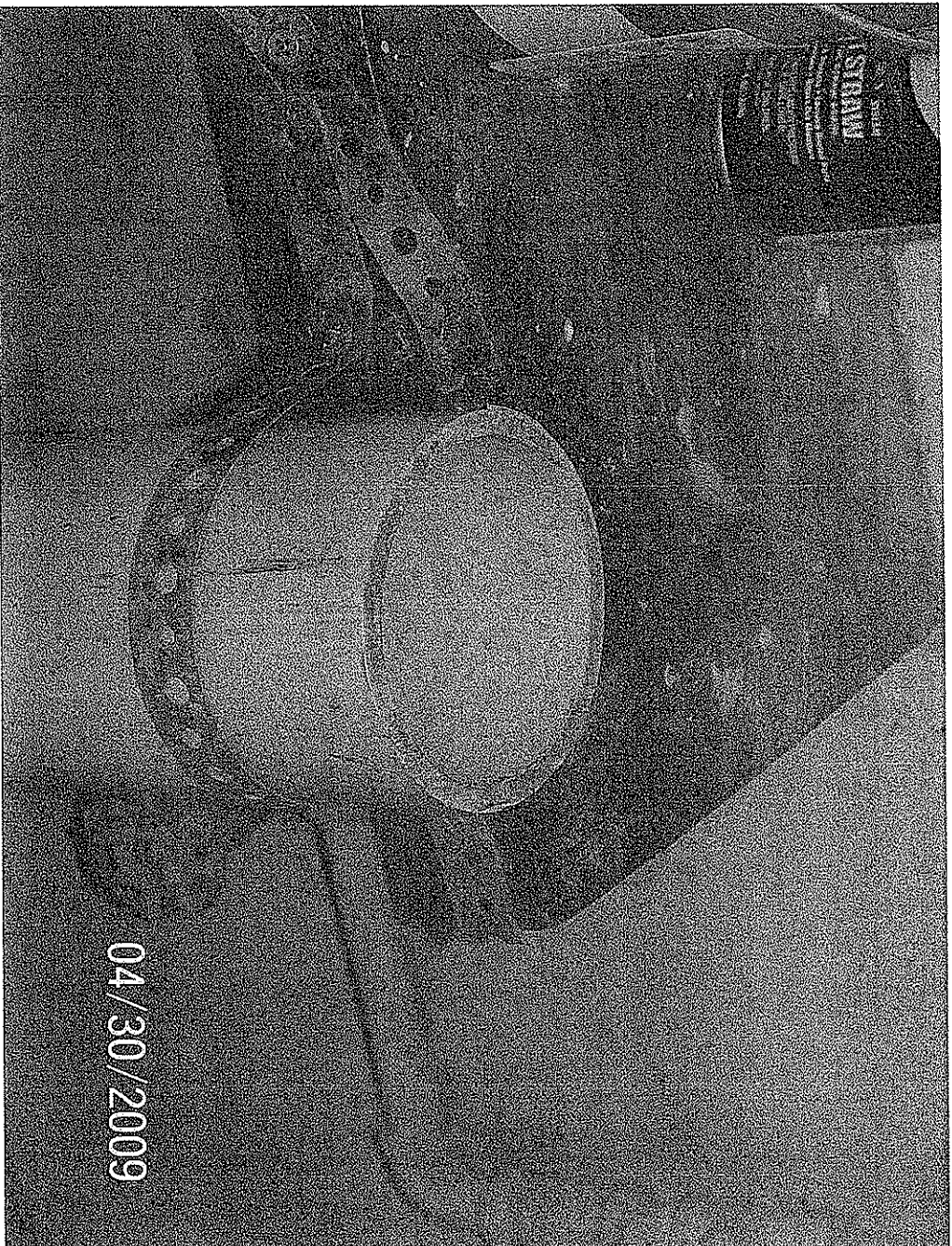
# 408 N. Wayne St Boiler Room



# 408 N. Wayne St. Laundry Room

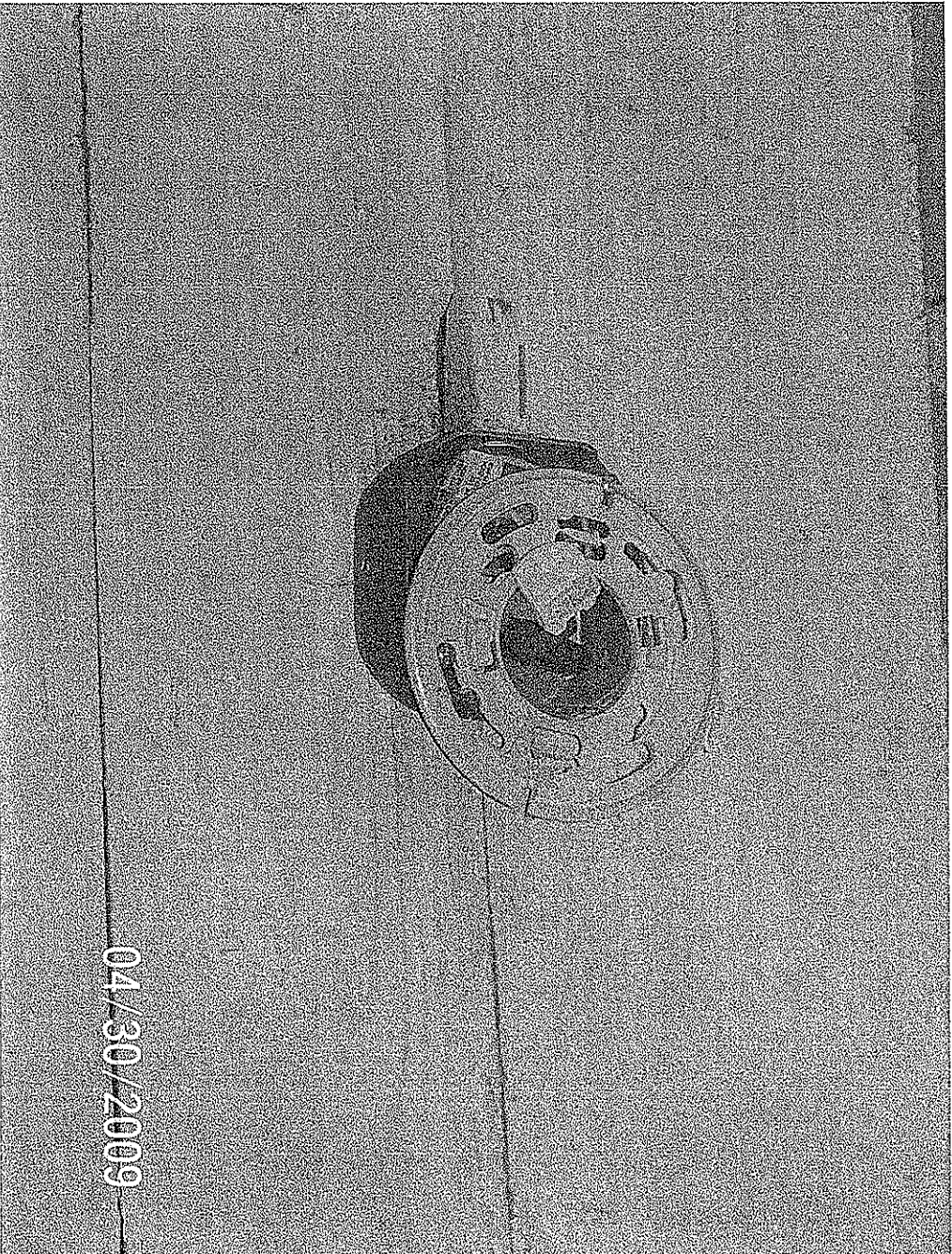


408 N. Wayne St.  
Laundry Room

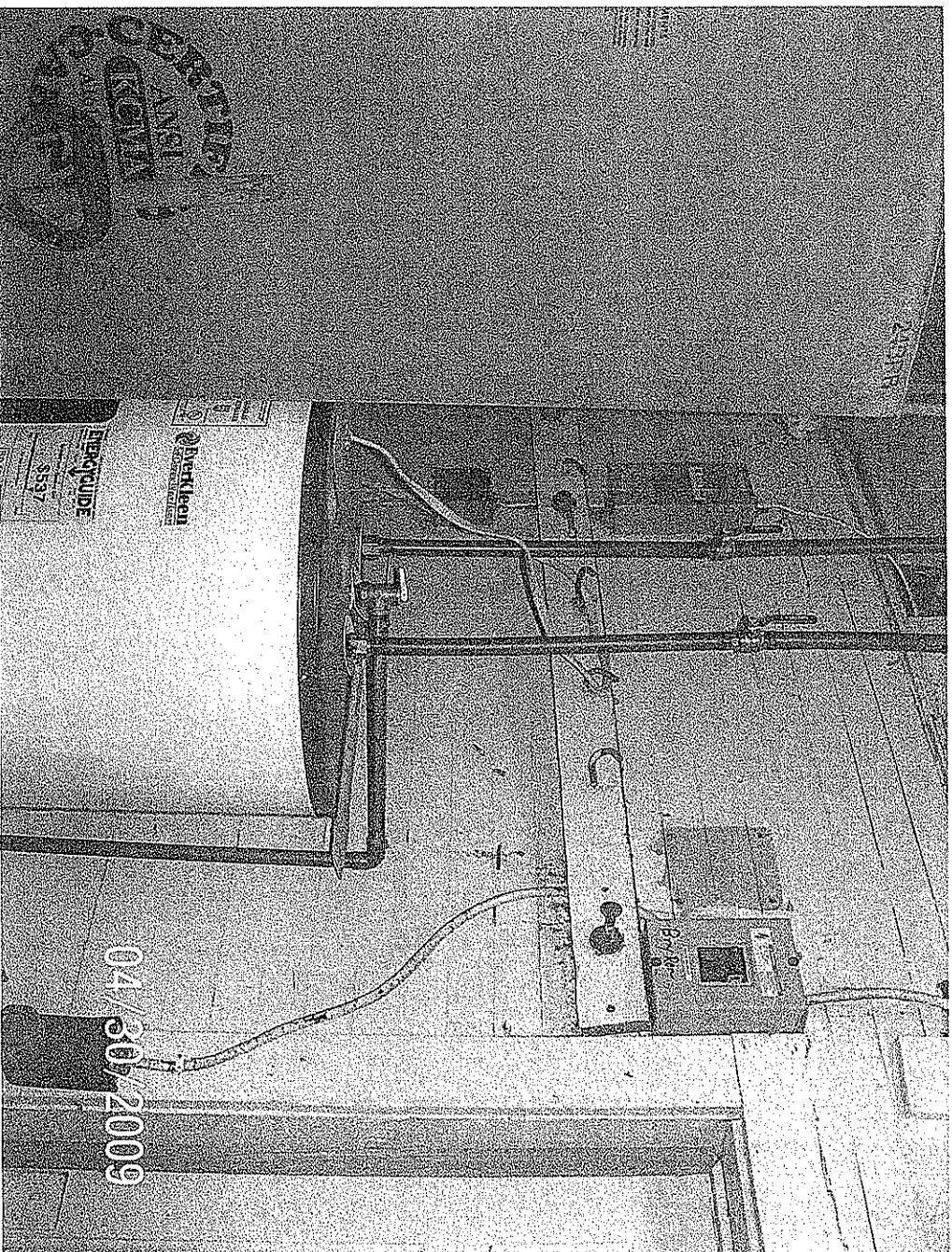


04/30/2009

# 408 N. Wayne St. Laundry Room

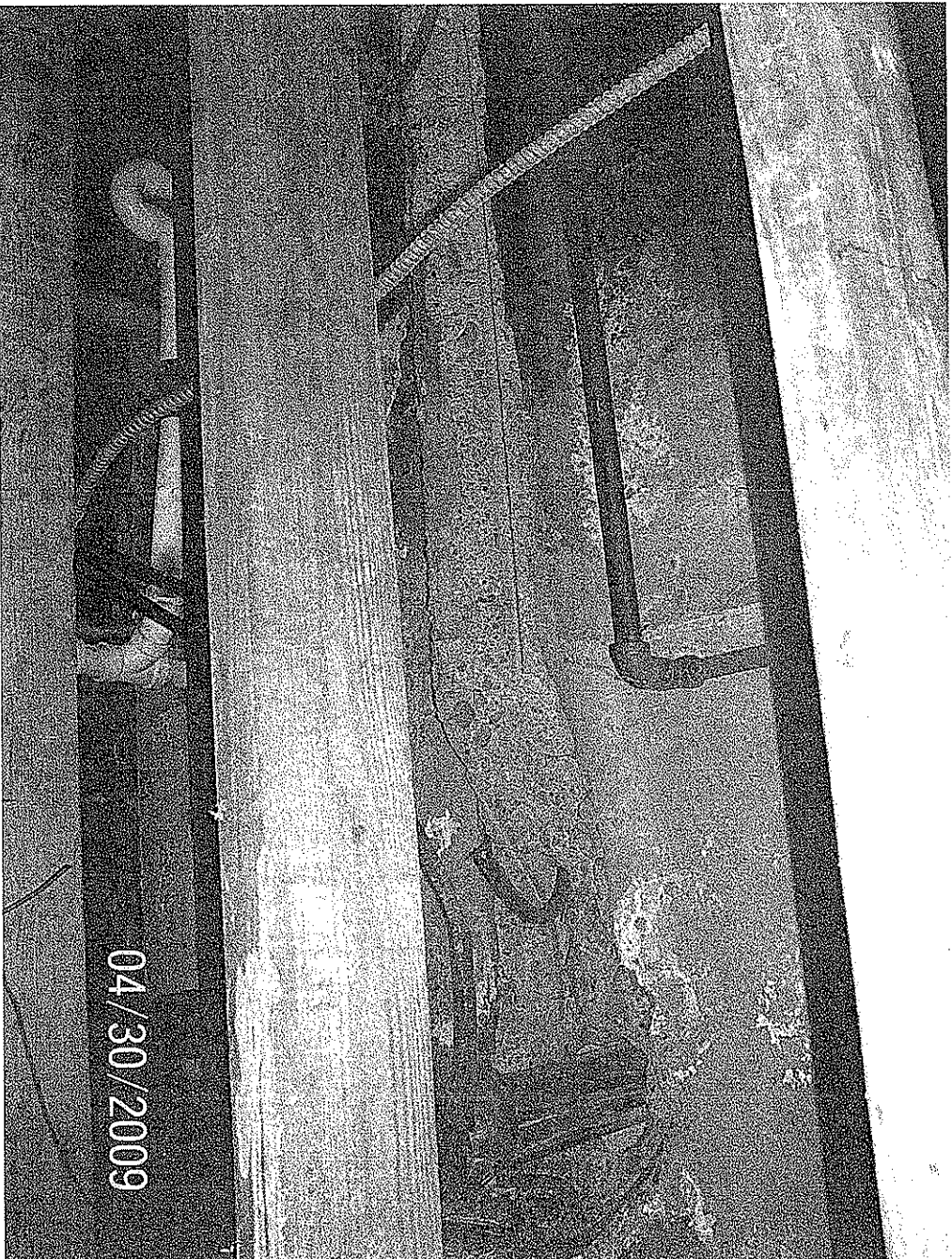


# 408 N. Wayne St. Laundry Room



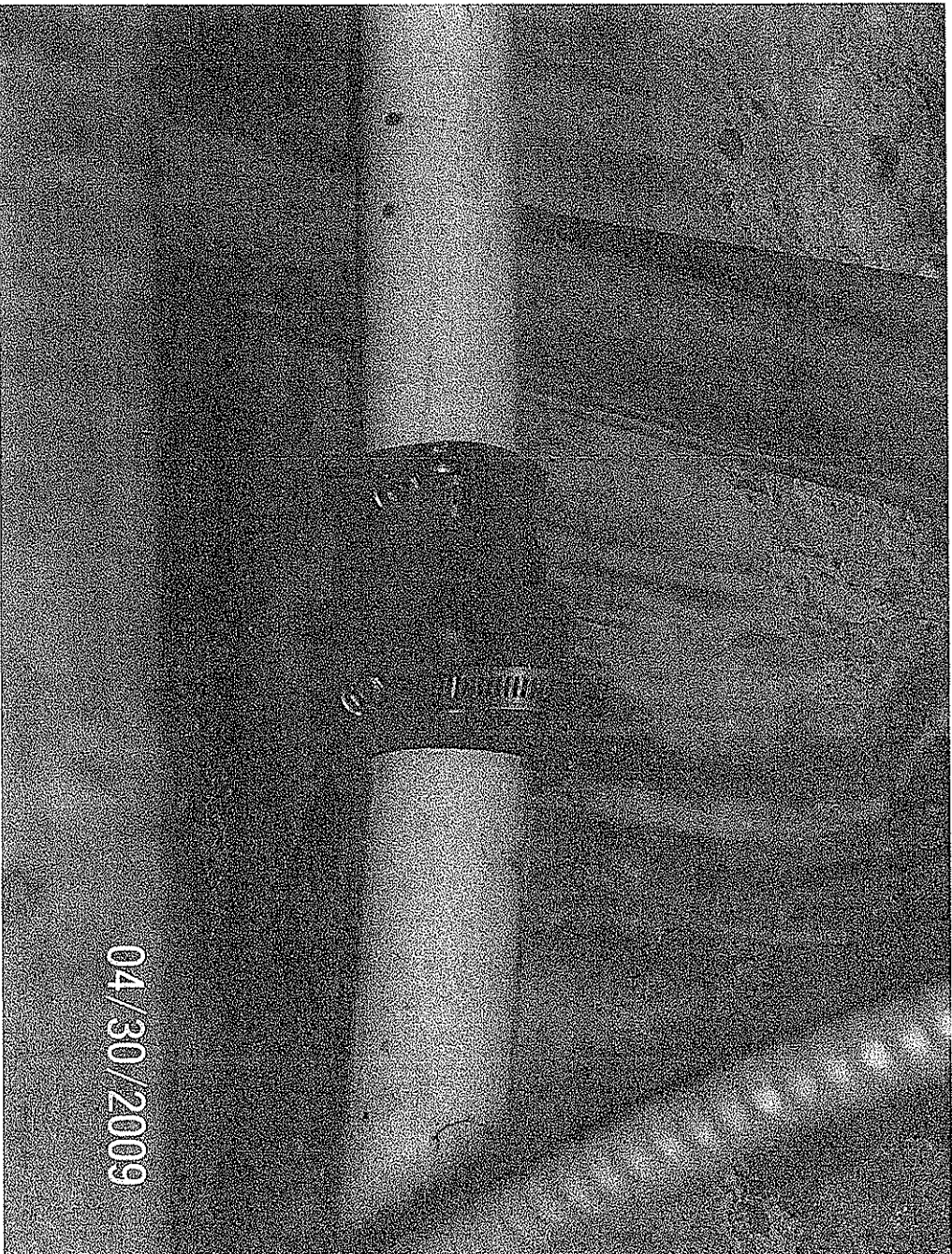
408 N. Wayne St.

Apt 13



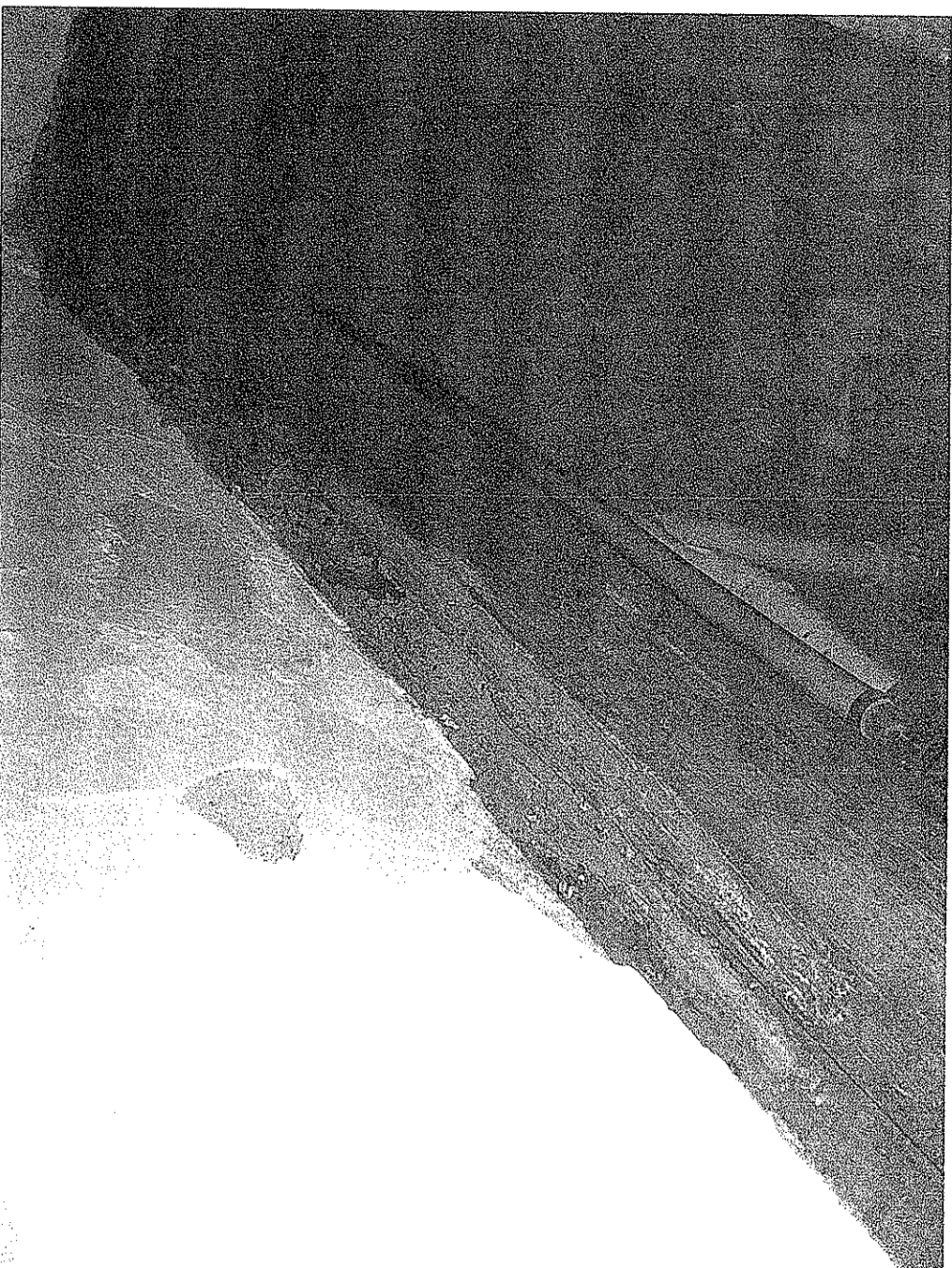
408 N. Wayne St.

Apt 13

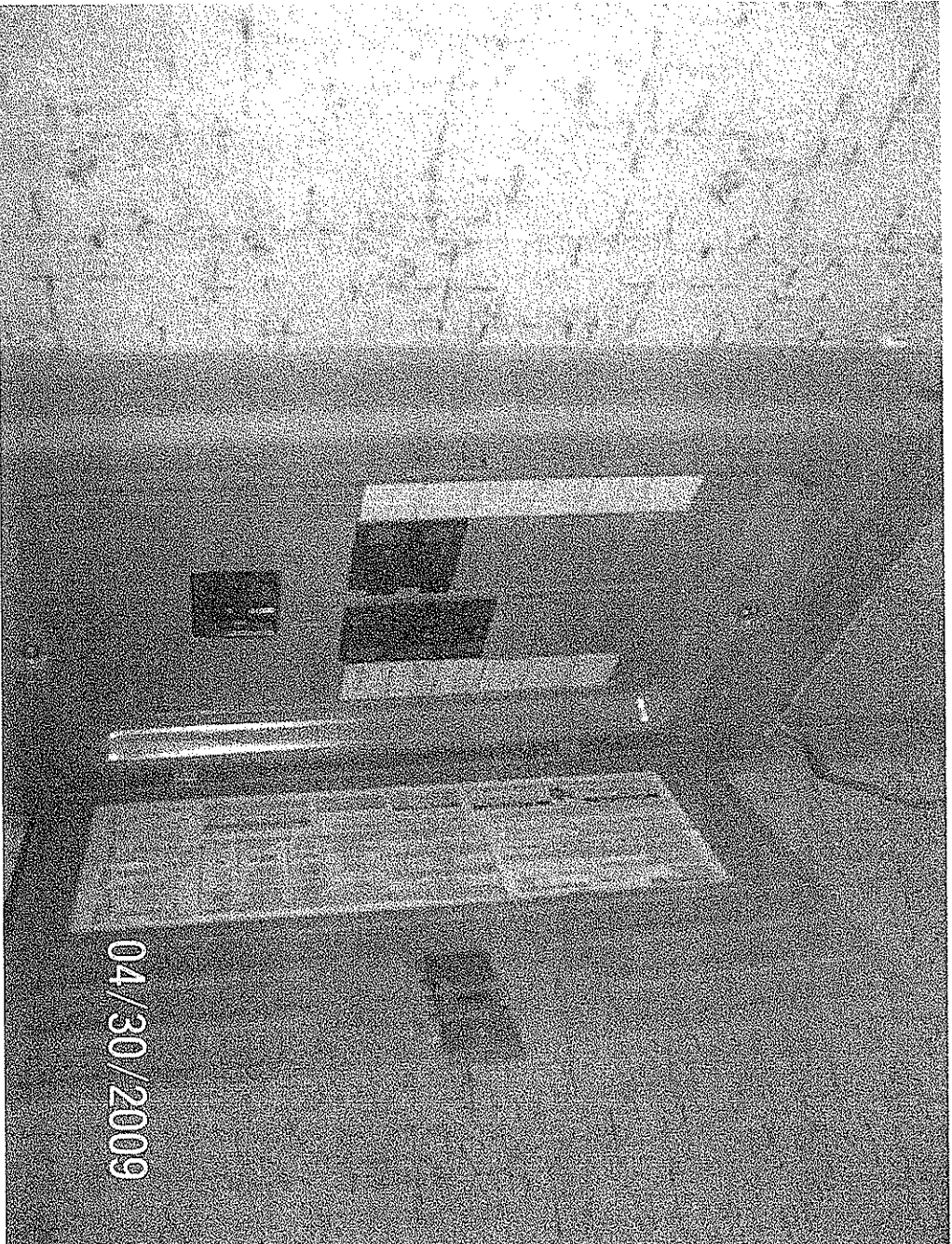


04/30/2009

408 N. Wayne St.  
Apt 13

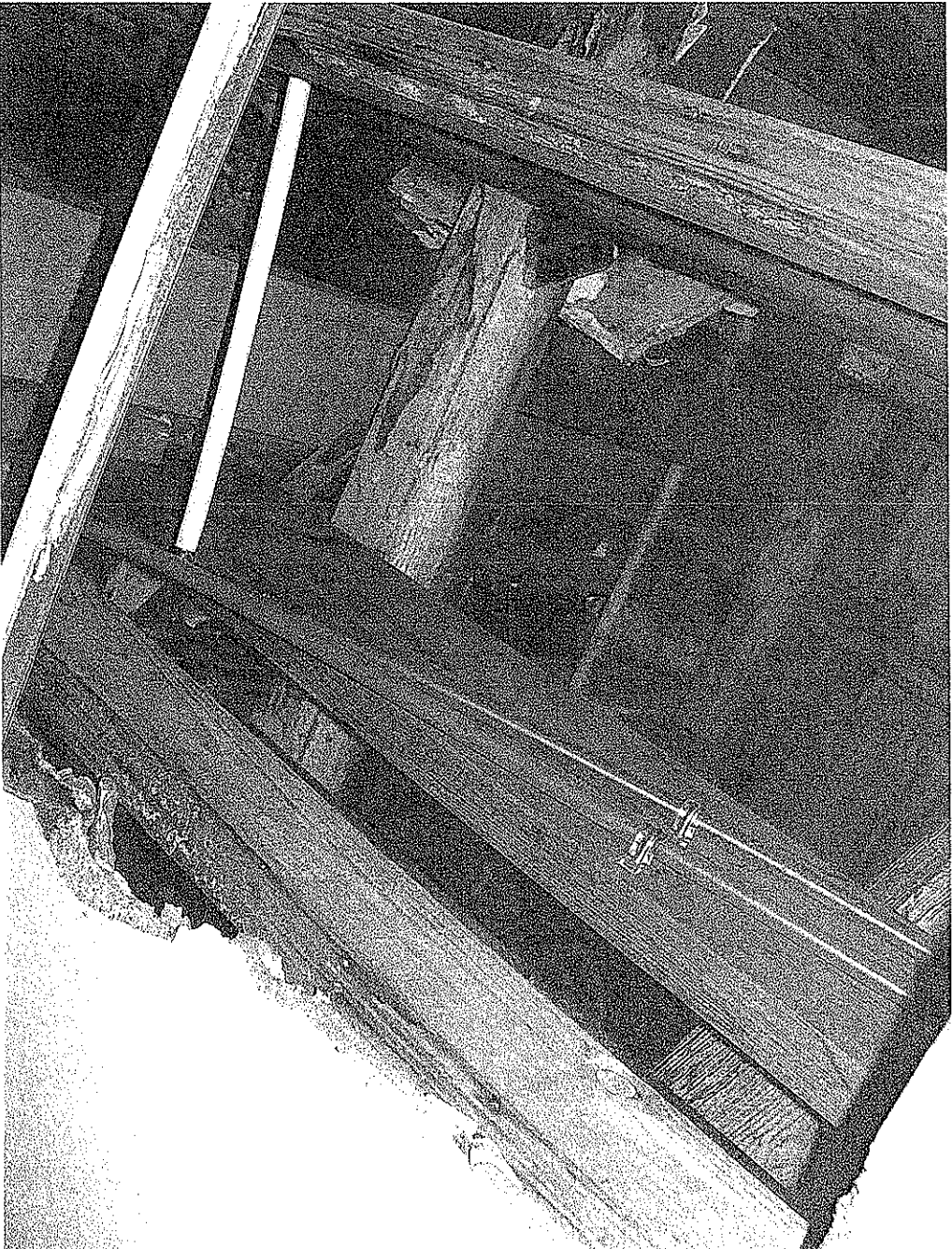


408 N. Wayne St.  
Apt 21



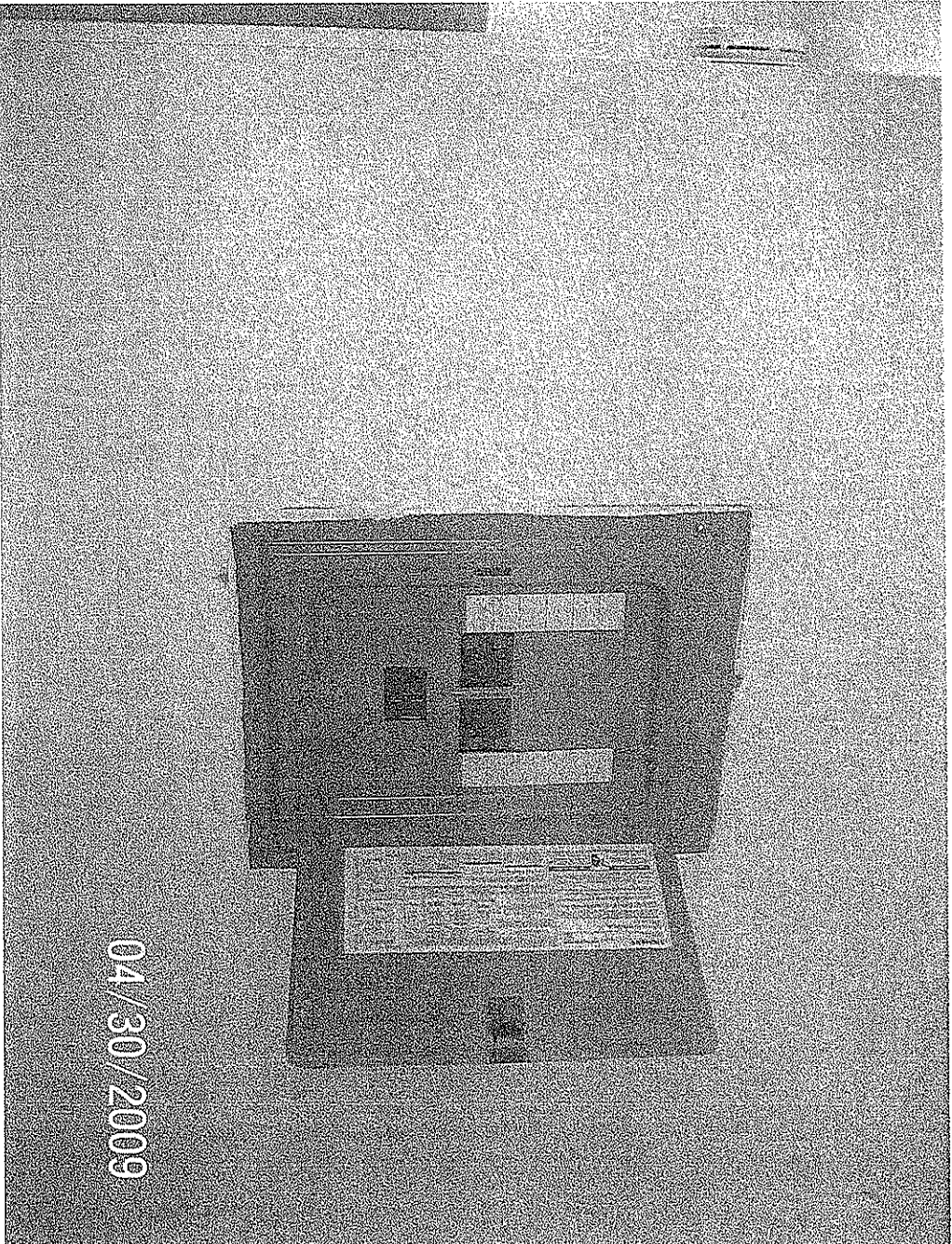
408 N. Wayne St.

Apt 21



408 N. Wayne St.

Apt 22



04/30/2009

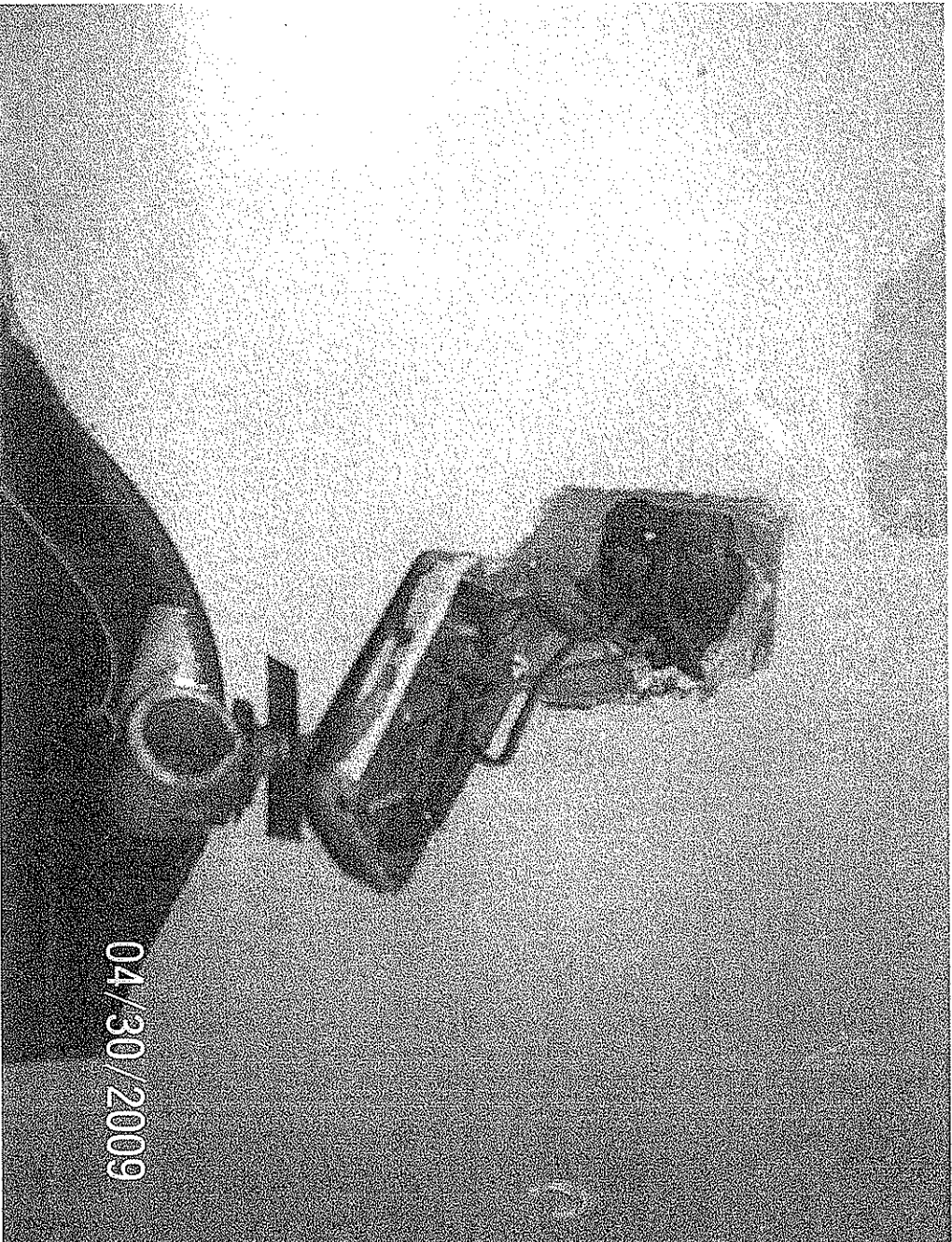
408 N. Wayne St.

Apt 22



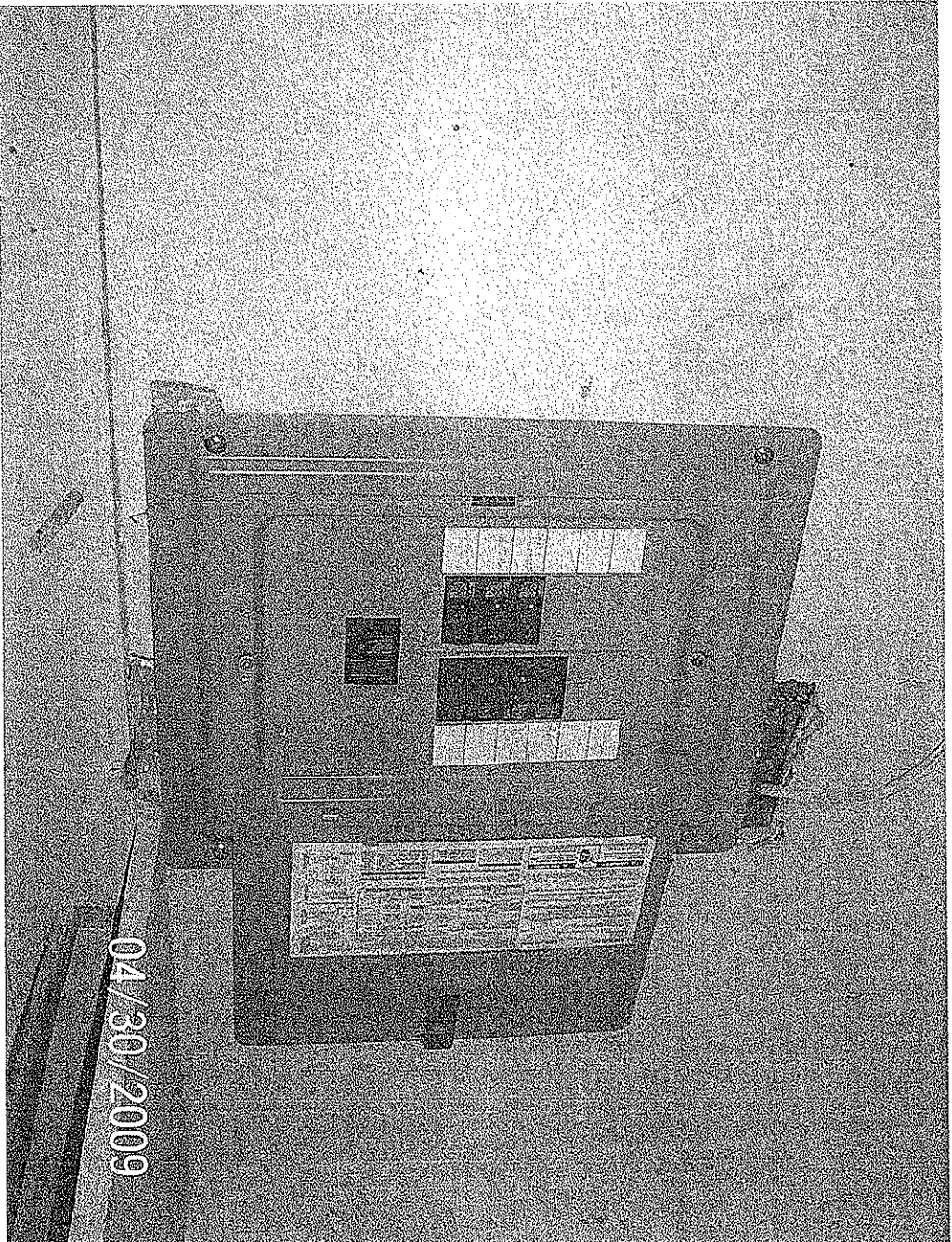
408 N. Wayne St.

Apt 22



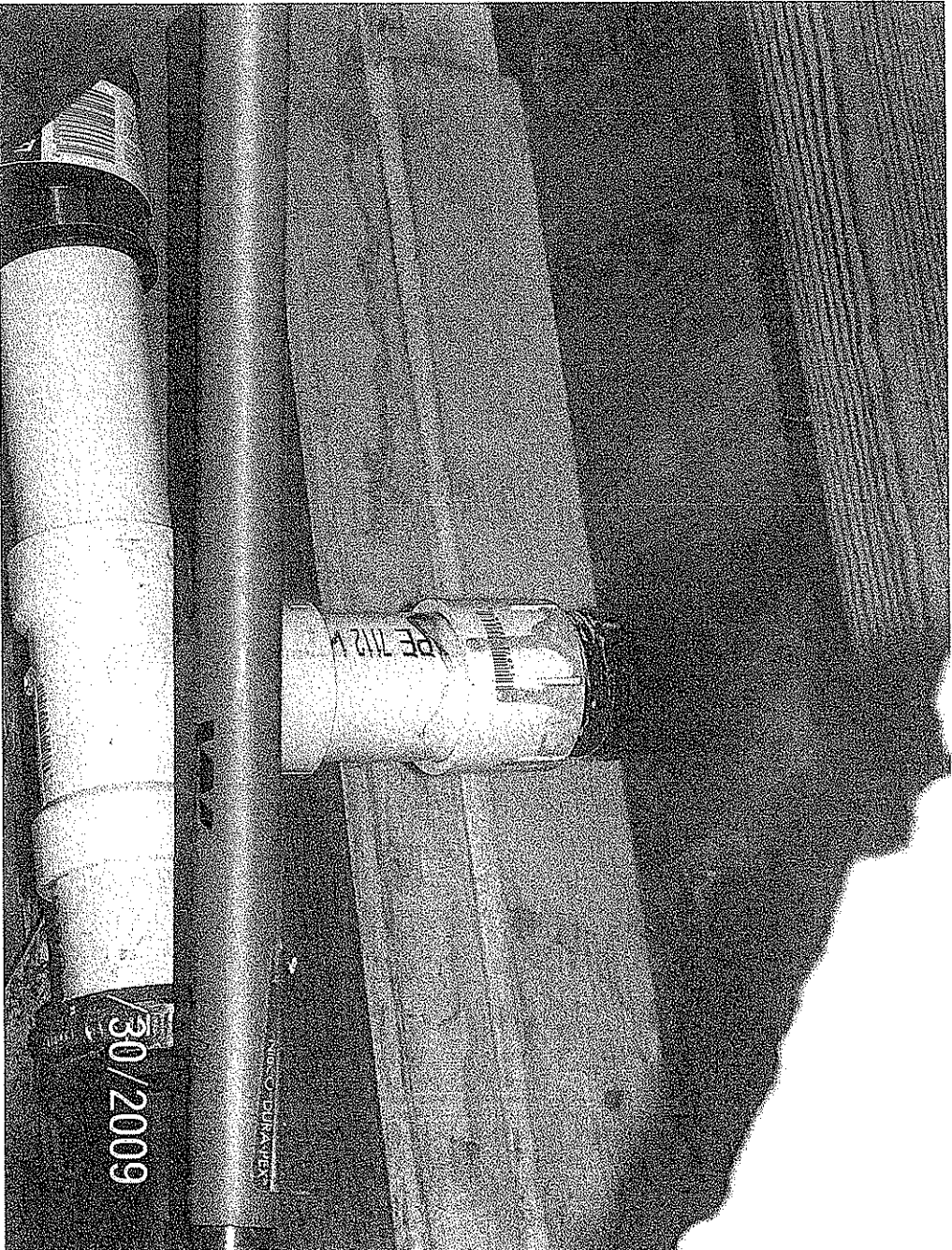
408 N. Wayne St.

Apt 23



408 N. Wayne St.

Apt 25



408 N. Wayne St.

Apt 25



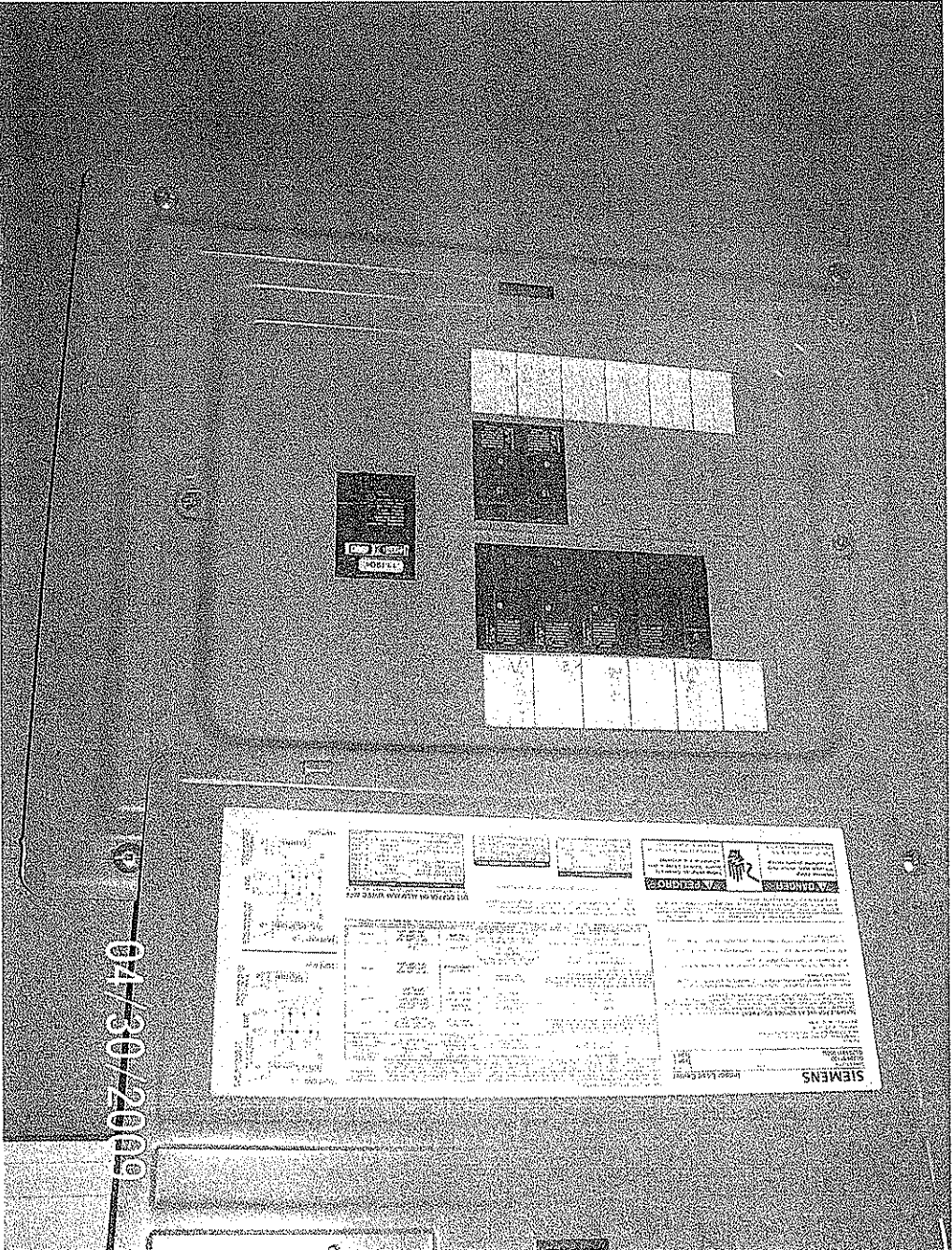
408 N. Wayne St.

Apt 25

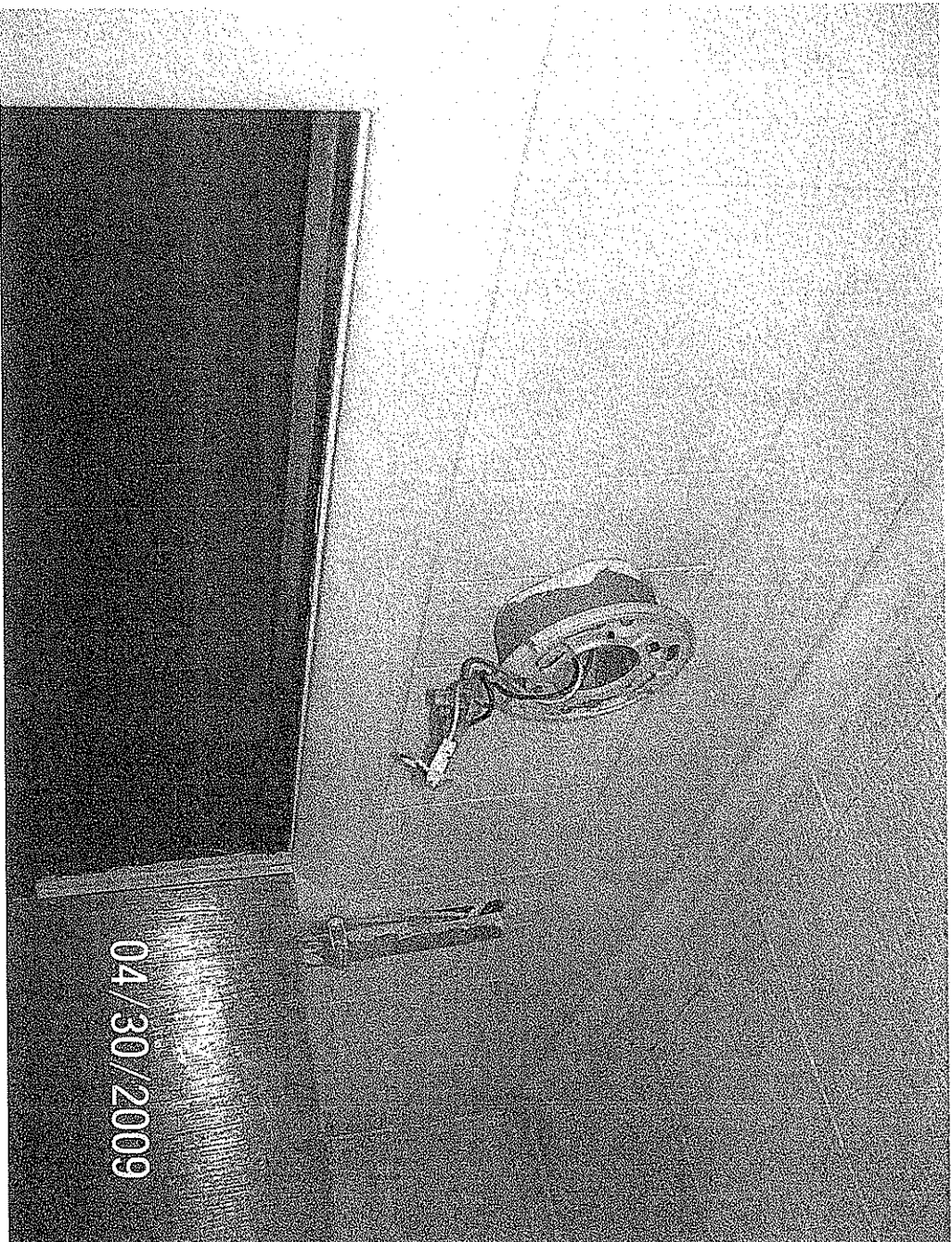


408 N. Wayne St.

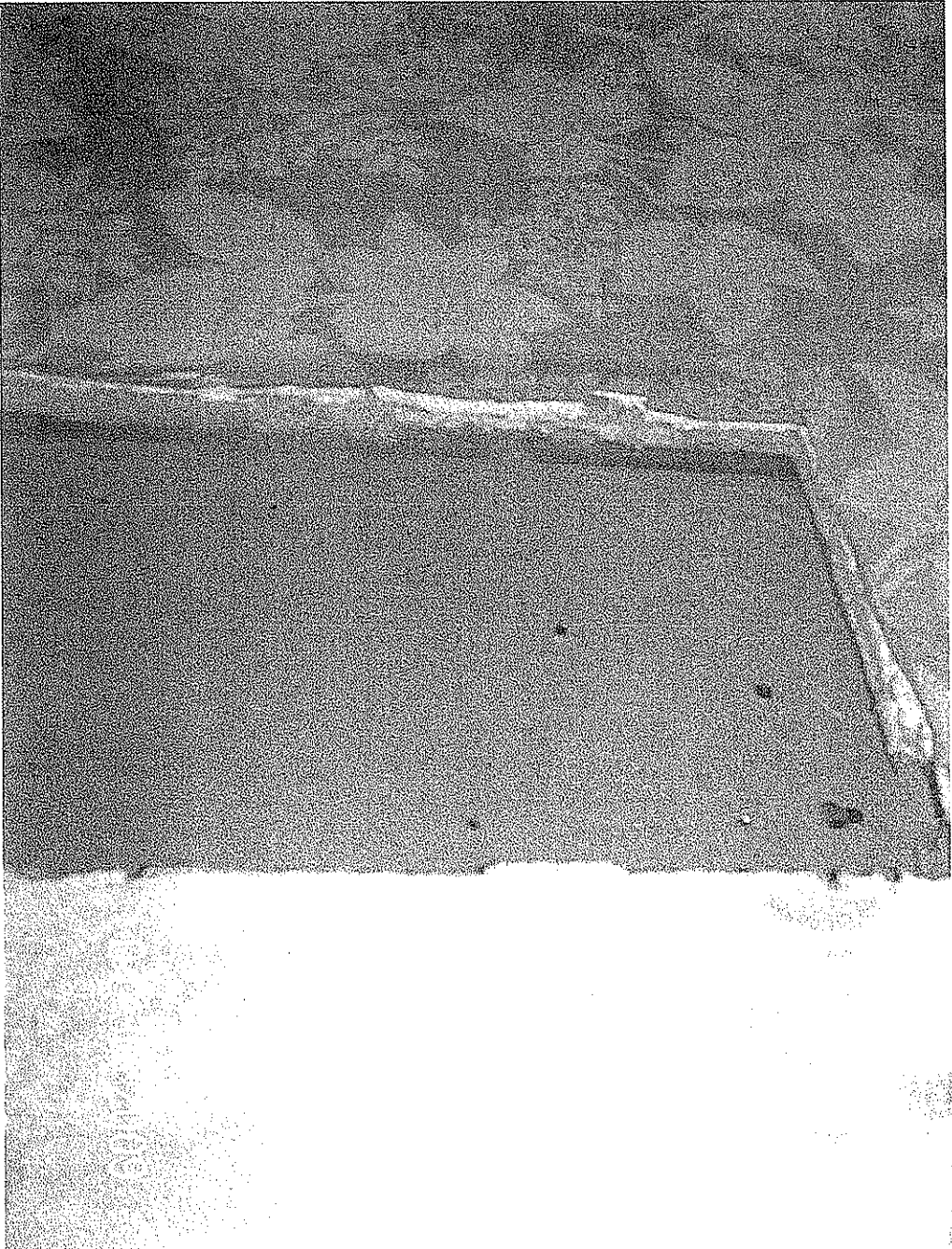
Apt 26



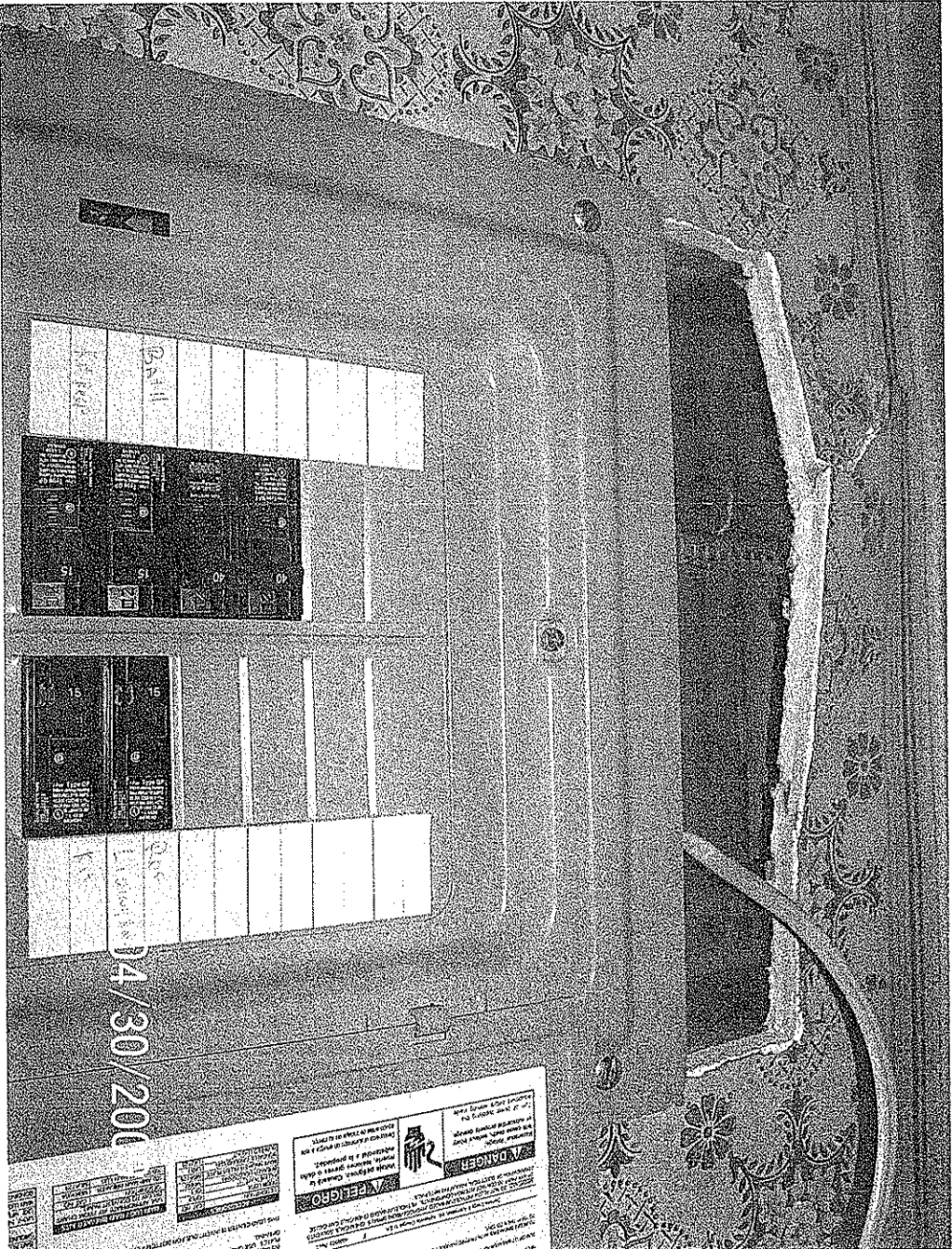
408 N. Wayne St.  
Apt 30



408 N. Wayne St.  
Apt 31

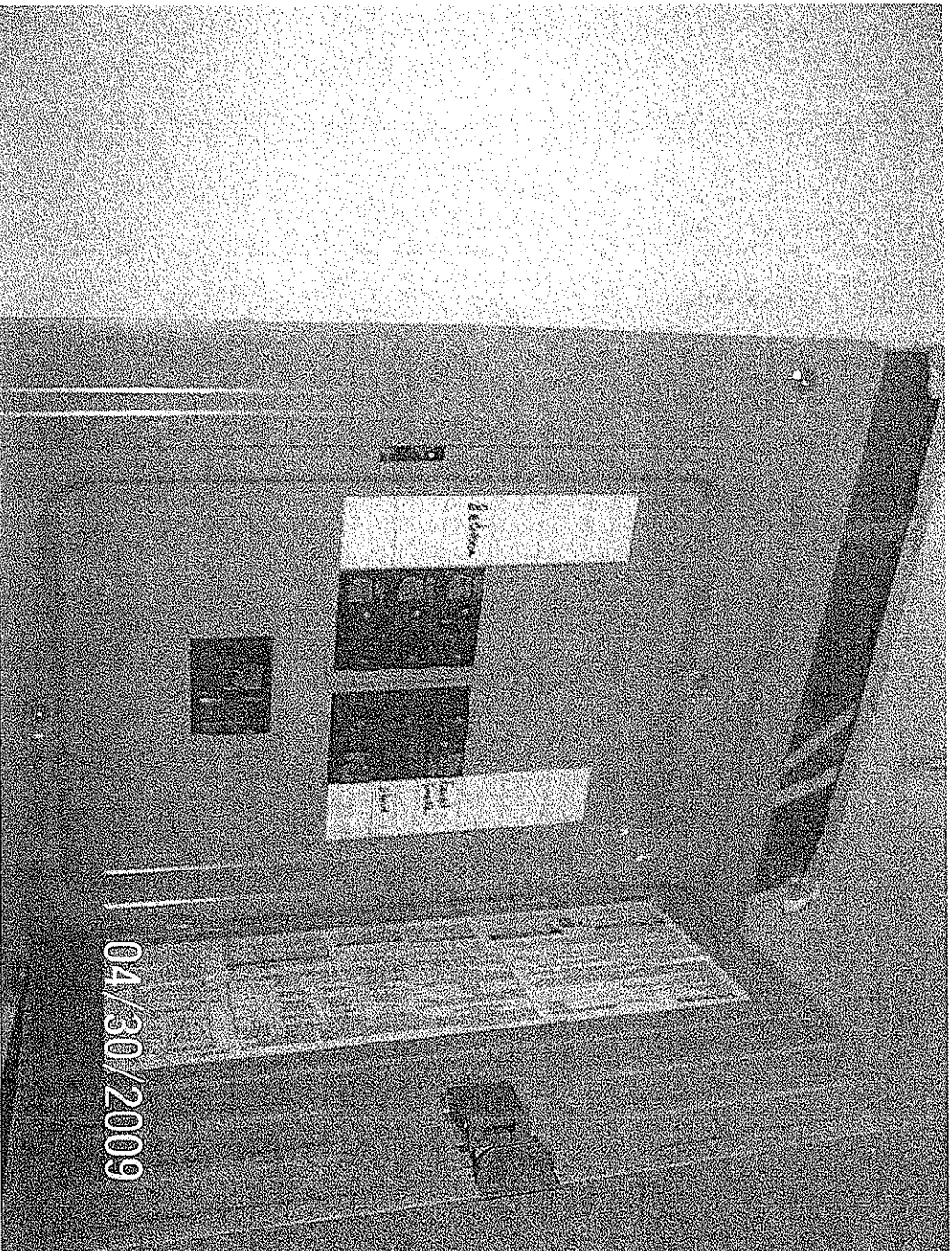


# 408 N. Wayne St. Apt 32

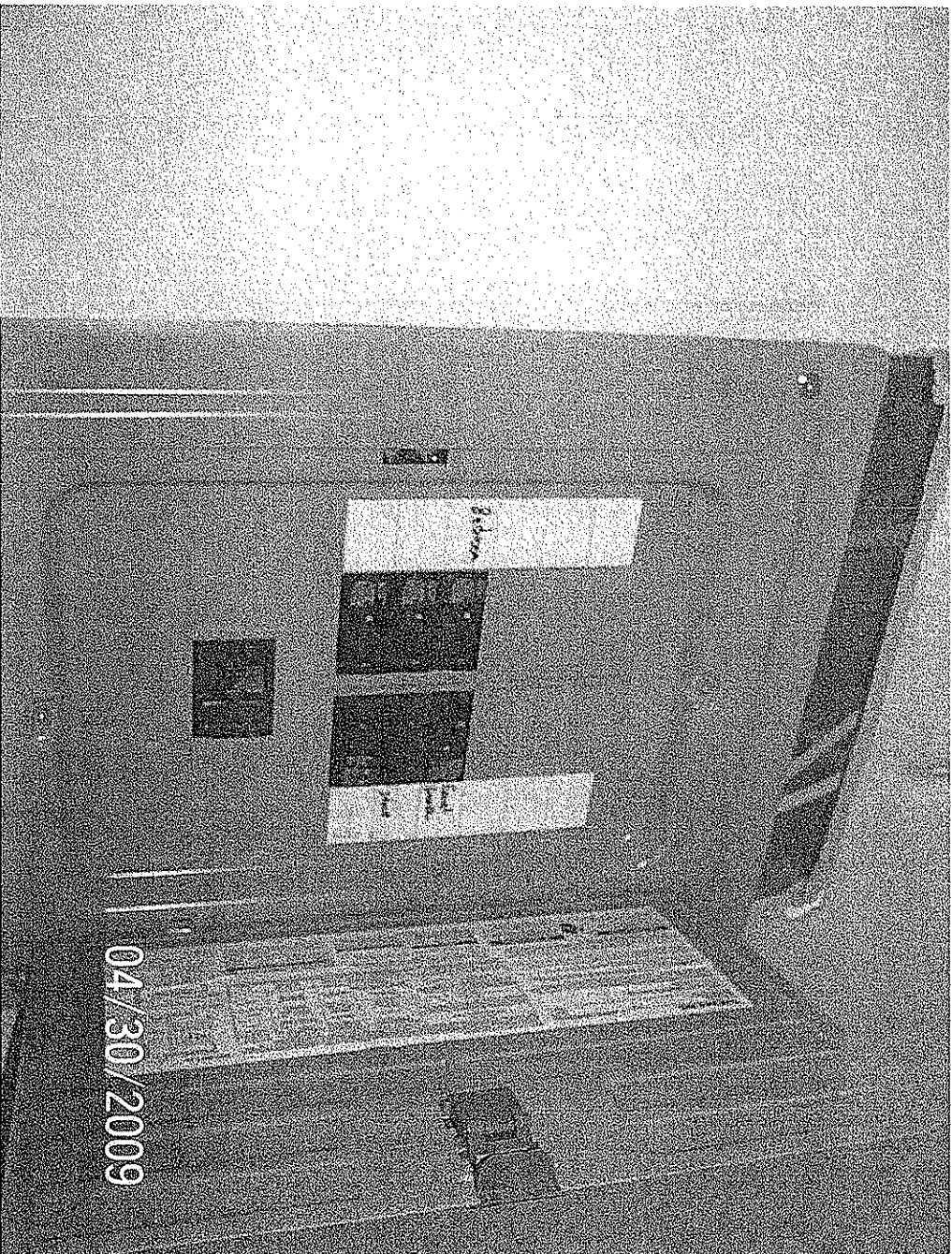


408 N. Wayne St.

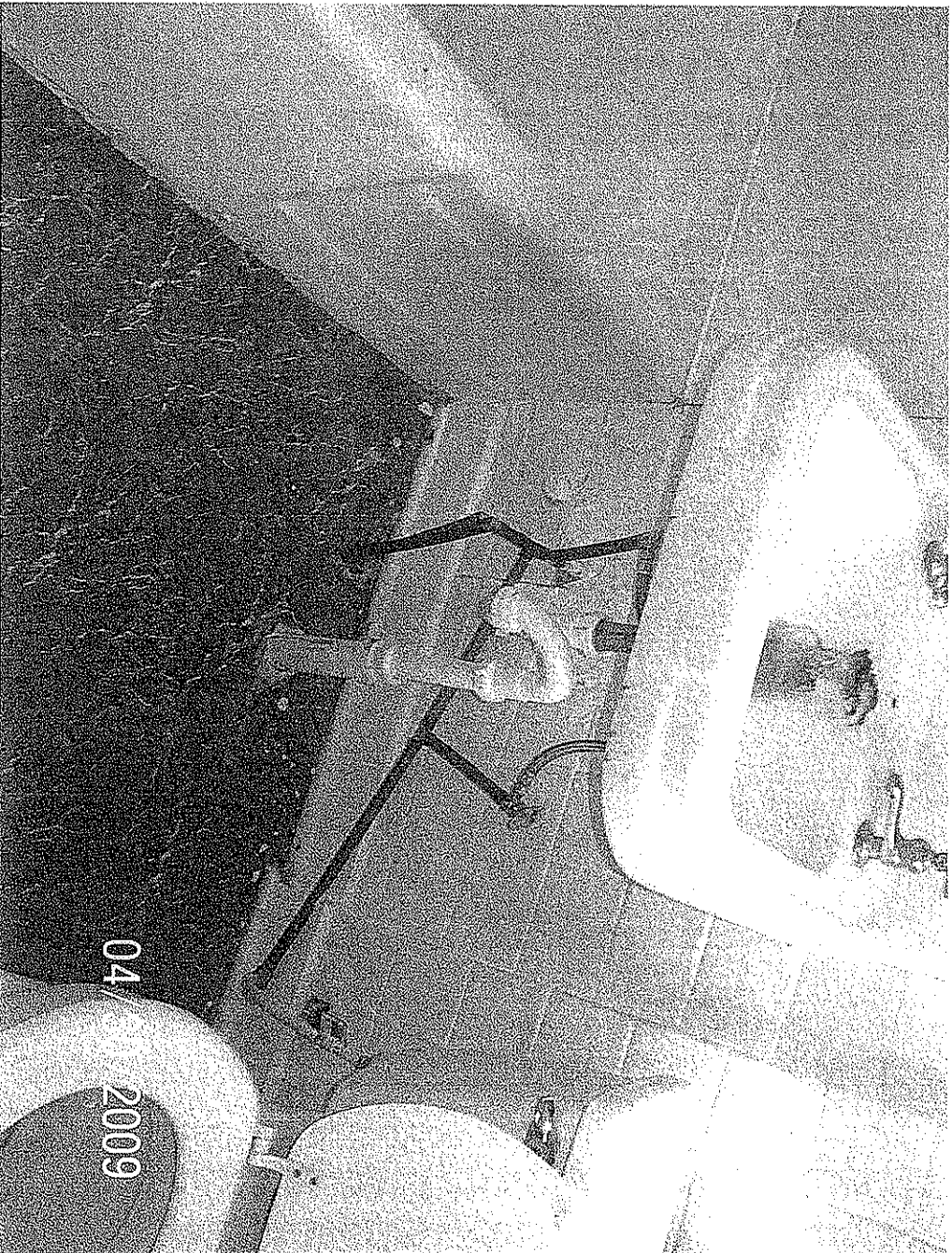
Apt 33



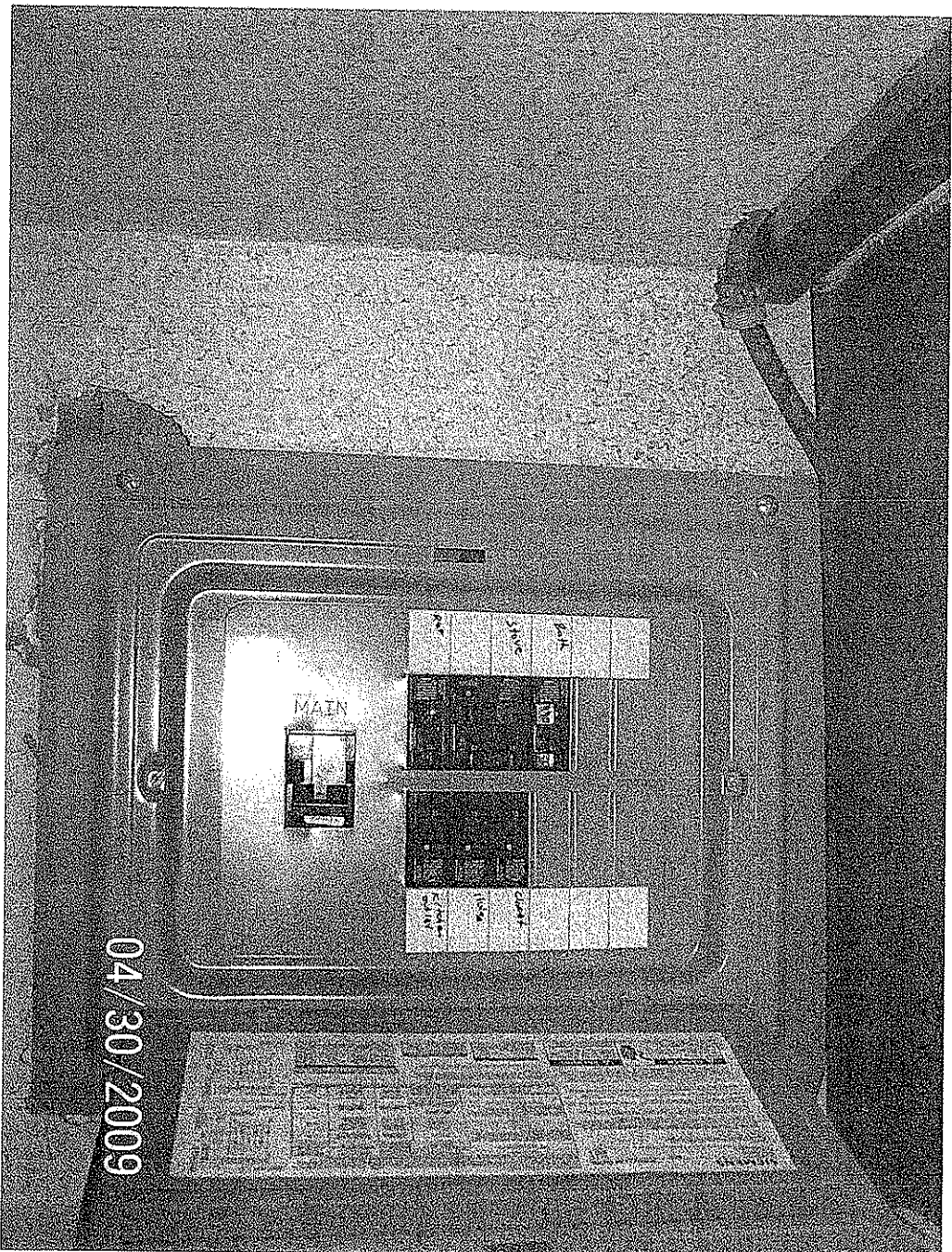
408 N. Wayne St.  
Apt 35



408 N. Wayne St.  
Apt 37



408 N. Wayne St.  
Apt 37



RESOLUTION No. BZA 09-09

WHEREAS, Danny Gentry, on behalf of Emro Marketing Company, owner of the subject parcel in the City of Piqua, Ohio, being in a district zoned B (General Business District), has filed a request to variance the number of detached canopy signs on the south side of the detached canopy located at 900 Scott Dr., Piqua, Ohio.

WHEREAS, the City of Piqua Zoning Code Section 154.101(D)(2)(a)(4) states:

(D) Other regulations.

(2) Number of signs.

(a) The maximum allowable number of primary permanent detached signs shall be as follows:

4. Each lot shall be permitted one canopy (detached) sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

WHEREAS, the City of Piqua Zoning Code 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.*

WHEREAS, the City of Piqua Zoning Code Section 154.142(D)(1) states:

*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*

RESOLUTION No. BZA 09-09

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.

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to approve/deny the request to variance the number of detached canopy signs on the south side of the detached canopy. The Motion was seconded by \_\_\_\_\_ and the request was approved/denied with a vote of \_\_\_\_\_ as recorded below.

---

	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"/>
Mr. Mark Spoltman	<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"/>

09-09

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Danny Gentry - Speedway - Super America LLC  
 APPLICANT ADDRESS 500 Speedway Dr.  
 CITY Enon STATE OH. ZIP 45323  
 PHONE (937) 863-7977  
 LEGAL INTEREST OF APPLICANT Construction Program Coordinator

OWNER NAME Speedway - Super America LLC  
 BUSINESS NAME Speedway #5243  
 OWNER ADDRESS 500 Speedway Dr.  
 CITY Enon STATE OH. ZIP 45323  
 PHONE (937) 864-3000

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED  
 STREET ADDRESS 900 Scott Dr.  
 CITY Piqua STATE Ohio ZIP 45356  
 LOT NUMBER \_\_\_\_\_ ZONING DESIGNATION \_\_\_\_\_

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

-CHECK ALL BOXES THAT APPLY-

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

BRIEFLY DESCRIBE VARIANCE REQUEST Removing 255 SF pylon sign and Add 27 SF LED to South side of canopy fascia

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 6/19/09

SIGNATURE OF APPLICANT [Signature] DATE 6-19-09

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

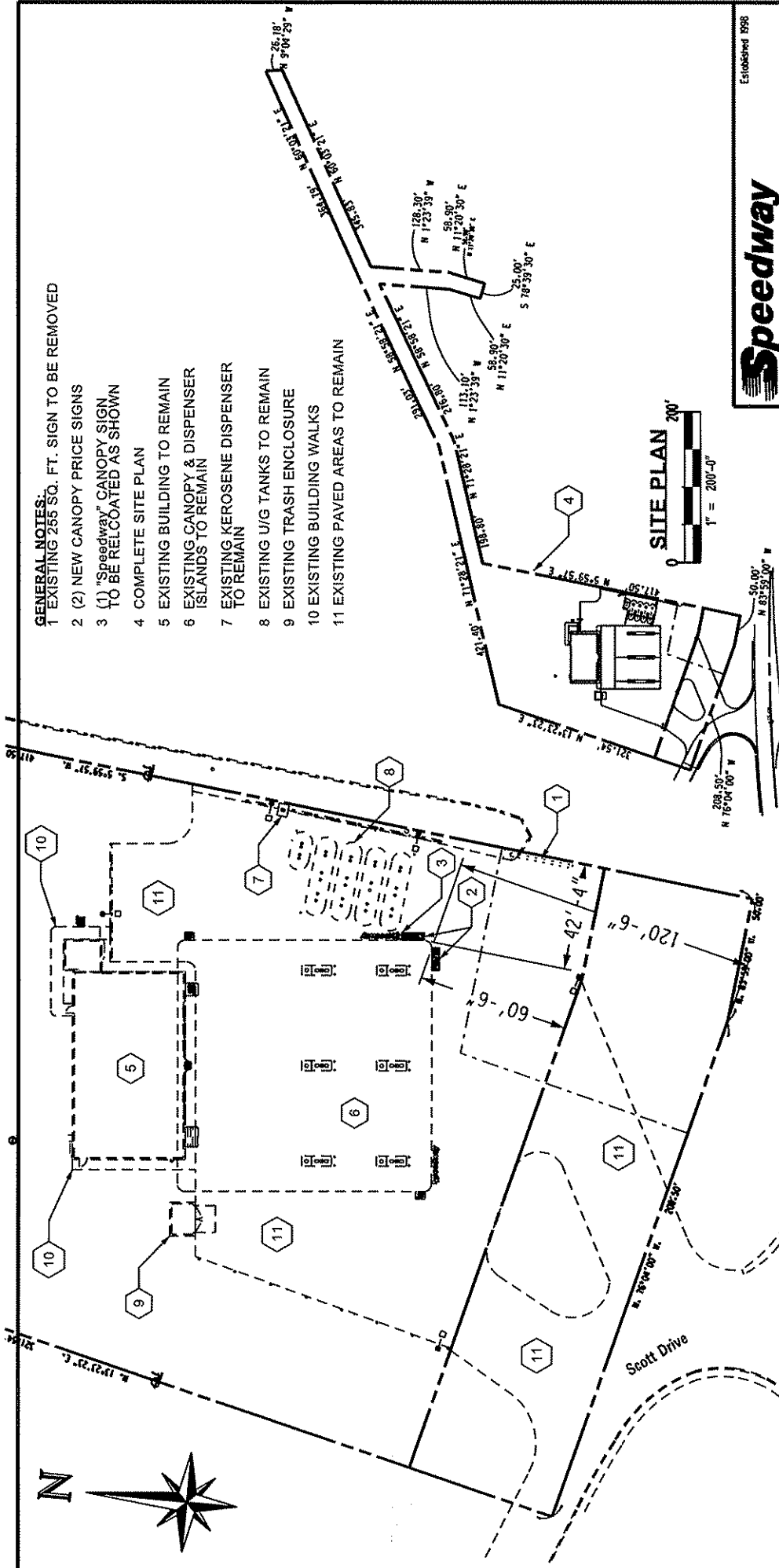
\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

\$25.00 FEE PAID - 25.00 RECEIVED BY - B. [Signature]

RECEIPT No. - 186320 DATE - 6-22-09

**GENERAL NOTES:**

- 1 EXISTING 255 SQ. FT. SIGN TO BE REMOVED
- 2 (2) NEW CANOPY PRICE SIGNS
- 3 (1) "Speedway" CANOPY SIGN TO BE RELOCATED AS SHOWN
- 4 COMPLETE SITE PLAN
- 5 EXISTING BUILDING TO REMAIN
- 6 EXISTING CANOPY & DISPENSER ISLANDS TO REMAIN
- 7 EXISTING KEROSENE DISPENSER TO REMAIN
- 8 EXISTING U/G TANKS TO REMAIN
- 9 EXISTING TRASH ENCLOSURE
- 10 EXISTING BUILDING WALKS
- 11 EXISTING PAVED AREAS TO REMAIN



**SITE PLAN**  
1" = 200'-0"

**PLOT PLAN**  
1" = 60'-0"

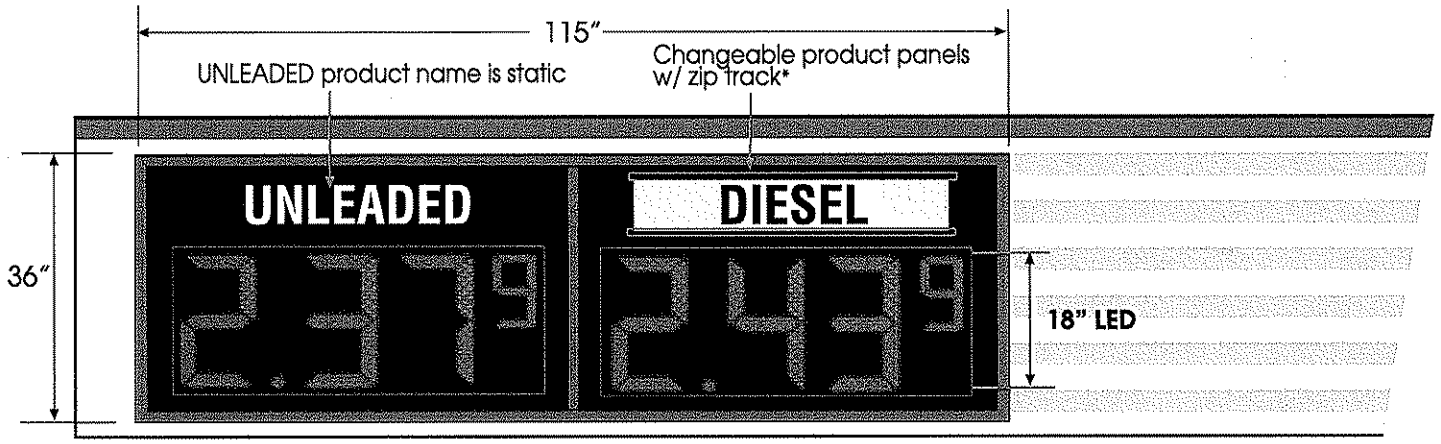
Established 1938

Prepared By:  
Speedway SuperAmerica LLC  
Engineering and Construction Dept.  
Etnoh, OH 45523

This drawing is the property of  
Speedway SuperAmerica LLC and is not to be used  
or reproduced without expressed written consent  
of Speedway SuperAmerica LLC.

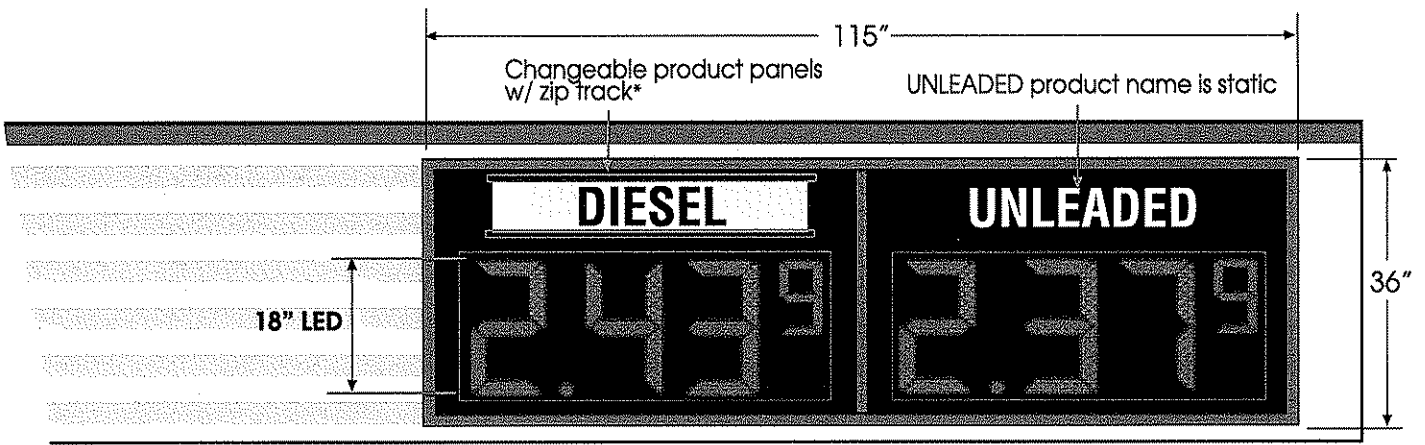
BOOK NO.	#5243
DATE	
REVISION OR BY	#076789
SCALE	
AS SHOWN ON PLAN	
DATE	
DESIGNER	
CHECKED	
APPROVED	
PROJECT	

**ZONING PLOT PLAN**  
**2009 ID Sign Replacement Project**  
900 Scott Drive @ US #36 & I-#75  
Miami County  
Piqua Ohio  
#5243-BZA



**SIGN 1: 2 Product S/F Canopy Sign w/ 18" LED**

← **STREET**  
(UNLEADED IS STREET JUSTIFIED)



**SIGN 2: 2 Product S/F Canopy Sign w/ 18" LED**  
(Product positions are reversed)

**STREET** →  
(UNLEADED IS STREET JUSTIFIED)

**Panel Set** (Includes Plus, Premium, Diesel, Marlboro and "PER PACK PLUS TAX" placards)

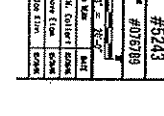
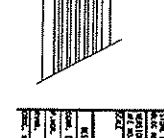
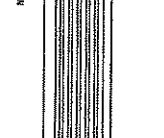
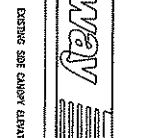
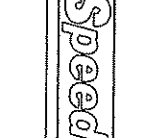
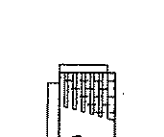
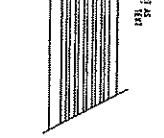
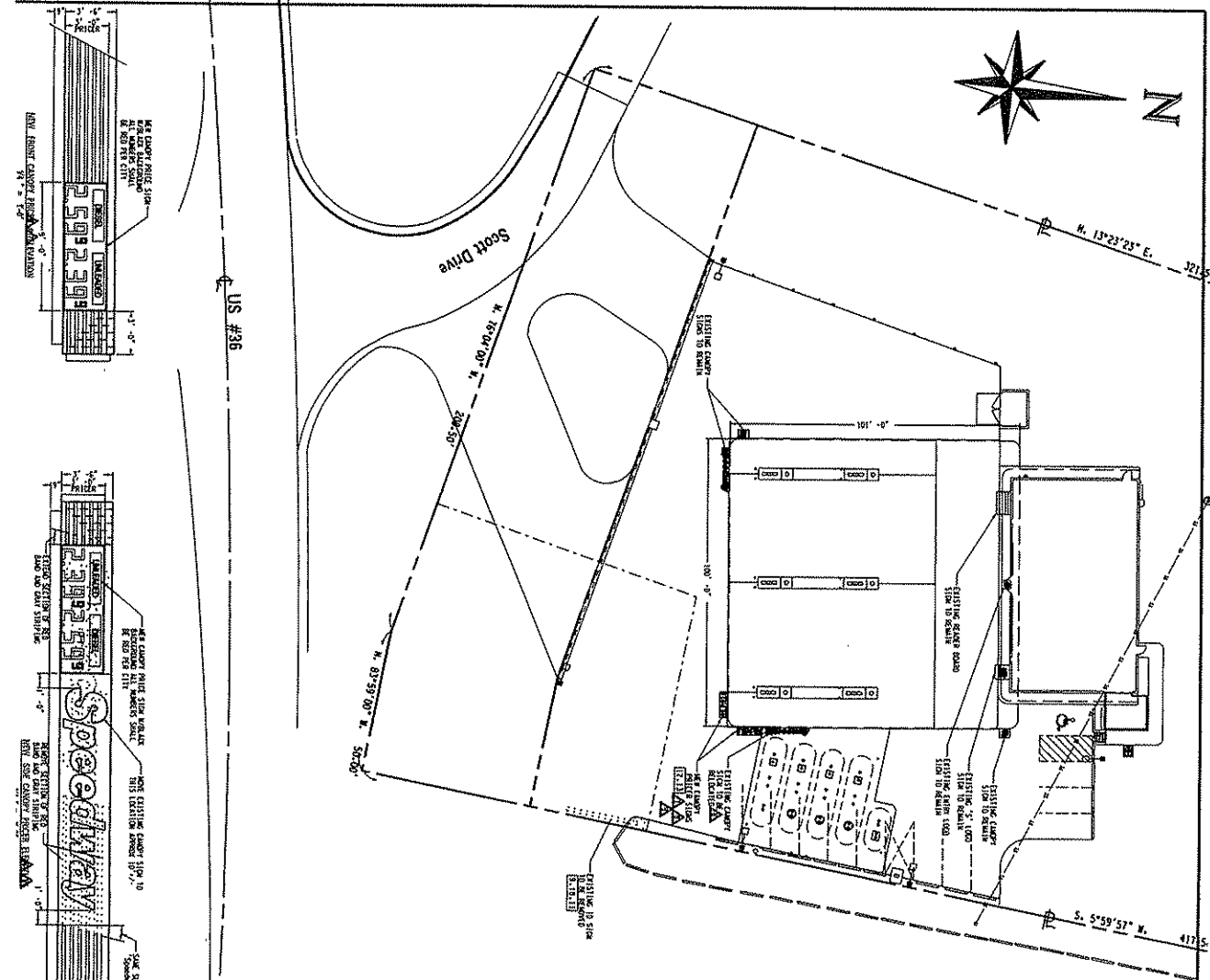
<b>PLUS</b>	<b>DIESEL</b>	<b>PER PACK PLUS TAX</b>
<b>PREMIUM</b>	<b>Marlboro</b>	



**DISCLAIMER:** Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

These drawings and designs are the exclusive property of Everbrite, Inc. Use of, or duplication in any manner without express written permission of Everbrite, Inc. is prohibited.

Customer: <b>SPEEDWAY</b>		Description: (2) 2 Product canopy signs: 3' x 9'-7" w/ 18" LumiDigit 2	Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.	
Project No: 250389-1	Scale: 3/8"=1'-0"		Please read carefully, check appropriate <input type="checkbox"/> Sketch OK as is <input type="checkbox"/> New sketch required	
Date: 6/9/09	Drawn By: CH	Revised:	SIGNATURE _____	
Location & Site No: Piqua, OH #5243		Revised:	DATE _____	
		Revised:		



EXISTING SIDE CANOPY ELEVATION

EXISTING SIDE CANOPY ELEVATION

EXISTING SIDE CANOPY ELEVATION

EXISTING SIDE CANOPY ELEVATION

**GENERAL NOTES:**

1. General Scope of Work (SOW) includes: Replace existing on-premise ID sign with new canopy type as shown on notes, plot plan and drawings.
2. Refer to "Complete Store Specifications" and Scope of Work for details regarding "Dispenser" and "Underground Piping and/or Dispenser Disposal".
3. All material noted on drawings will be supplied by the Contractor unless noted otherwise.
4. Restore to original or better condition all areas disturbed by construction.
5. Show all modified piping, conduit runs, utilities and any modifications made to the original drawings on Owner's Project files. Forward "As-Built's" to the Contractor. Contractor shall type new directory for electrical panels indicating final locations of new and existing circuits.
6. Utility and piping locations shown are approximate. Contractor shall verify exact utility locations. Underground utilities shall be verified by utility provider prior to excavation.
7. Turnover Manual: On the day of "TURNOVER" the contractor shall provide the owner with a copy of the competition manual per Section 01100, 110, 115 of the specifications.
8. All equipment shall be installed per manufacturers' instructions, manuals and in accordance with NEC. All conductors shall be sized, spaced and supported per NEC. All wire shall be a minimum size of #12 AWG THWN or THHN copper unless otherwise specified.
9. All materials removed during construction shall be removed from site as directed by Owner's Project Manager. Contractor shall remove any existing wire not being replaced. Remove any equipment that is being abandoned. Remove wire from equipment back to panel and disconnect. Confirm with Owner's Project Manager before disconnecting any existing equipment.
10. Remove existing ID sign, base, foundation and cut walk and dispose of per direction of Owner's Project Manager. Review the extent of sign foundation removal prior to demolition.
11. Remove soils as necessary to complete proposed work. Replace with appropriate backfill and compact surface per direction of Owner's Project Manager. Some areas may require seed and top soil.
12. Install (2) new Owner provided canopy mounted LED pilot signs as shown on plan per direction of Owner's Project Manager and manufacturers' instructions. All pilot numbering shall be red per local requirements.
13. Install new conduits and pull new wire and wire signs per direction of Owner's Project Manager. Verify the conditions and any existing conduits suitable for future use per direction of Owner's Project Manager.
14. Patch and repair existing pavement areas as directed by Owner's Project Manager and S&I D series drawings.
15. Relocate (1) existing canopy sign as shown on plan per direction of Owner's Project Manager.
16. Ejectment and/or modify as required the existing canopy direction of Owner's Project Manager.

**DRAWINGS LIST:**

- 1. General Site Plan
- 2. Plot Plan
- 3. Rear Canopy Elevation
- 4. Existing Canopy Elevation
- 5. Speedway Sign Elevation
- 6. Existing Canopy Elevation
- 7. Speedway Sign Elevation
- 8. Existing Canopy Elevation
- 9. Speedway Sign Elevation
- 10. Existing Canopy Elevation
- 11. Speedway Sign Elevation

**LEGEND:**

- ..... TO BE REMOVED EXISTING MATERIAL

NO.	DESCRIPTION	DATE	BY	CHECKED
1	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
2	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
3	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
4	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
5	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
6	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
7	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
8	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
9	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
10	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON
11	Plot Plan	08/11/09	J. W. GIBSON	J. W. GIBSON

**Speedway**  
**SA SUPERAMERICA.**

Established 1956

10000 W. 10th Street, Suite 100, Piquette, MI 48675  
 800.447.7272

**PLOT PLAN**  
**2009 ID Sign Replacement**  
**Project**  
 900 Scott Drive @ US #36 & I-475  
 Miami County  
 Piquette, Ohio

PROJECT #5243  
 DATE: 08/11/09  
 DRAWN BY: J. W. GIBSON  
 CHECKED BY: J. W. GIBSON

RESOLUTION No. BZA 10-09

WHEREAS, Danny Gentry, on behalf of Emro Marketing Company, owner of the subject parcel in the City of Piqua, Ohio, being in a district zoned B (General Business District), has filed a request to variance the number and location of a detached canopy signs on the east side of the detached canopy located at 900 Scott Dr., Piqua, Ohio.

WHEREAS, the City of Piqua Zoning Code Section 154.101(D)(2)(a)(4) states:

(D) *Other regulations.*

(2) *Number of signs.*

(a) *The maximum allowable number of primary permanent detached signs shall be as follows:*

4. *Each lot shall be permitted one canopy (detached) sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.*

WHEREAS, the City of Piqua Zoning Maintenance Code 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.*

WHEREAS, the City of Piqua Zoning Maintenance Code Section 154.142(D)(1) states:

*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*

RESOLUTION No. BZA 10-09

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.

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to approve/deny the request to variance the number and location of detached canopy signs on the east side of the detached canopy. The Motion was seconded by \_\_\_\_\_ and the request was approved/denied with a vote of \_\_\_\_\_ as recorded below.

---

	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"/>
Mr. Mark Spoltman	<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"/>

10-09

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Danny Gentry - Speedway - Super America LLC  
 APPLICANT ADDRESS 500 Speedway Dr.  
 CITY Enon STATE OH. ZIP 45323  
 PHONE (937) 863-7977  
 LEGAL INTEREST OF APPLICANT Construction Program Coordinator

OWNER NAME Speedway - Super America LLC  
 BUSINESS NAME Speedway # 5243  
 OWNER ADDRESS 500 Speedway Dr.  
 CITY Enon STATE OH. ZIP 45323  
 PHONE (937) 864-3000

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED  
 STREET ADDRESS 900 Scott Dr.  
 CITY Piqua STATE Ohio ZIP 45356  
 LOT NUMBER \_\_\_\_\_ ZONING DESIGNATION \_\_\_\_\_

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

-CHECK ALL BOXES THAT APPLY-

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

BRIEFLY DESCRIBE VARIANCE REQUEST Removing 255 SF. pylon sign and Add 27 S.F. LED to East side of canopy fascia.

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 6/19/09

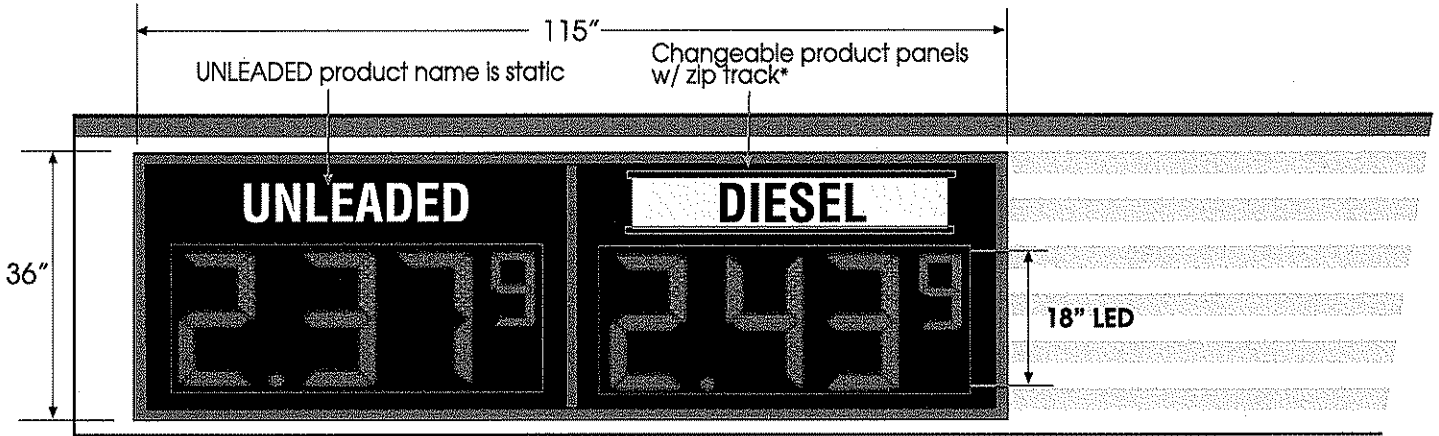
SIGNATURE OF APPLICANT [Signature] DATE 6-19-09

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

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

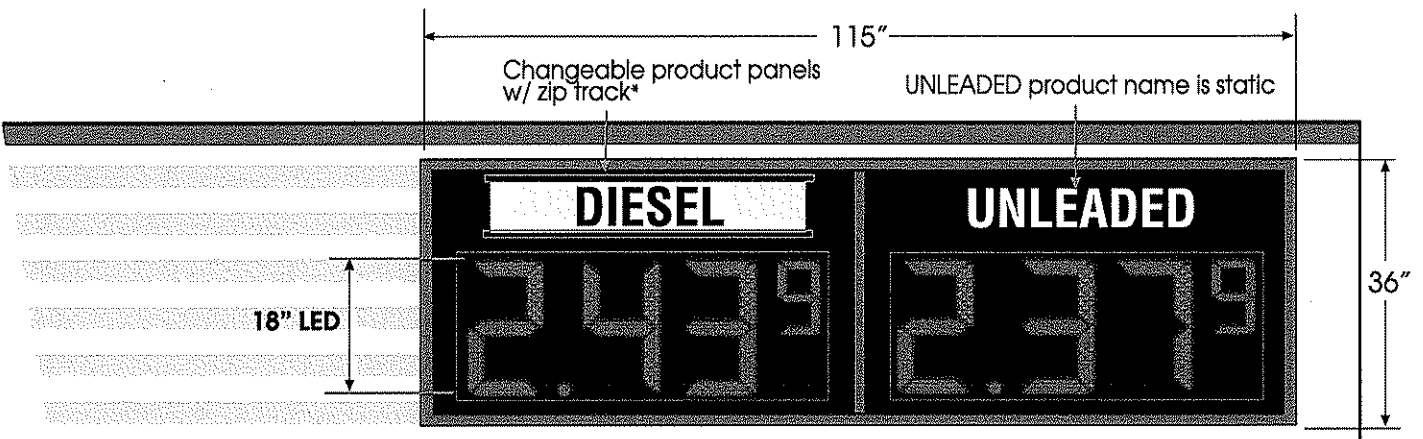
\$25.00 FEE PAID - 25.00 RECEIVED BY - [Signature]

RECEIPT No. - 186320 DATE - 6-22-09



**SIGN 1: 2 Product S/F Canopy Sign w/ 18" LED**

← **STREET**  
(UNLEADED IS STREET JUSTIFIED)



**SIGN 2: 2 Product S/F Canopy Sign w/ 18" LED**  
(Product positions are reversed)

**STREET** →  
(UNLEADED IS STREET JUSTIFIED)

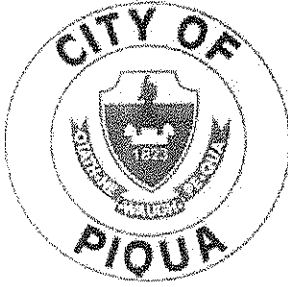
**Panel Set** (Includes Plus, Premium, Diesel, Marlboro and "PER PACK PLUS TAX" placards)



**DISCLAIMER:** Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

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Customer: <b>SPEEDWAY</b>		Description: (2) 2 Product canopy signs: 3' x 9'-7" w/ 18" LumiDigit 2	Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.	
Project No: 250389-1	Scale: 3/8"=1'-0"		Please read carefully, check appropriate <input type="checkbox"/> Sketch OK as is box and fax back to Everbrite: <input type="checkbox"/> New sketch required	
Date: 6/9/09	Drawn By: CH	Revised:	SIGNATURE _____ DATE _____	
Location & Site No: <b>Piqua, OH #5243</b>		Revised:		
		Revised:		




## PLANNING AND ZONING

---

Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-0809  
E-Mail: cschmiesing@piquaoh.org

### STAFF REPORT

Date: July 13, 2009  
To: Board of Zoning Appeals Members  
From: Chris Schmiesing, City Planner   
Subject: Speedway Signage

### GENERAL INFORMATION

Applicant: Danny Gentry  
Owner: Emro Marketing Company  
Location: 900 Scott Drive  
Zoning: B (General Business)  
Land Use  
Existing: Automobile Service Station, Parking, Detached Signage  
Proposed: Automobile Service Station, Parking, Detached Signage  
Request: Request to variance number and location of detached canopy signs.

### DISCUSSION/FINDINGS

The proposed improvements include the removal of the existing nonconforming detached sign near the east edge of the parcel, and the installation of two new electronic changeable copy signs, one each on the south and east faces of the fuel center canopy. The proposed canopy signs will operate in conformance with the zoning standards for electronic signs and will be in addition to the existing *Speedway* signage already present on each canopy face. The proposed electronic changeable copy sign panels will provide the fuel price information currently displayed on the nonconforming detached sign that is being removed. The code permits one sign per canopy elevation provided the elevation is facing a street that is contiguous to the property.

The zoning code includes sections outlining the powers of the Board of Zoning Appeals 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: July 13, 2009  
Subject: Speedway Signage

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 of this property is typical of what is found in this zoning district.*

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: The USR 36 limited access right of way adjacent to this property has a peculiar alignment and is unusually wide; and, the property is plainly visible to the nearby Interstate 75 off-ramp traffic.*

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."

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 improvements will impair the supply of light and air to adjacent property.*

Will this request increase the congestion in public streets?

## STAFF REPORT

Date: July 13, 2009  
Subject: Speedway Signage

Page 3

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

### CONCLUSION

The drawing notes indicate the existing nonconforming sign is to be removed and that the proposed electronic changeable copy signs will be in conformance with the code requirements less the variances described by this request. This will result in a substantial decrease in the degree of the nonconformities that exist in relation to the detached signage at this location. Therefore, it is staff's conclusion that if authorized, the variances would yield the property owner a reasonable use of the property; the proposed variances would not result in a substantial deviation from the code requirements; the proposed improvements would not substantially alter the character of the neighborhood or be a detriment to the adjoining properties; the variance would not adversely affect the delivery of government services; the variance would not relieve the property owner from conforming to all other applicable standards; the variance would solve a problem that can not be remedied by other means; and, the variance would preserve the spirit and intent of the zoning requirements and serve substantial justice with reference to the circumstances and conditions known to exist within the neighborhood concerned.

### RECOMMENDATION

Staff recommends that the Board of Zoning Appeals **approve with condition** the requested variance, said condition being as follows:

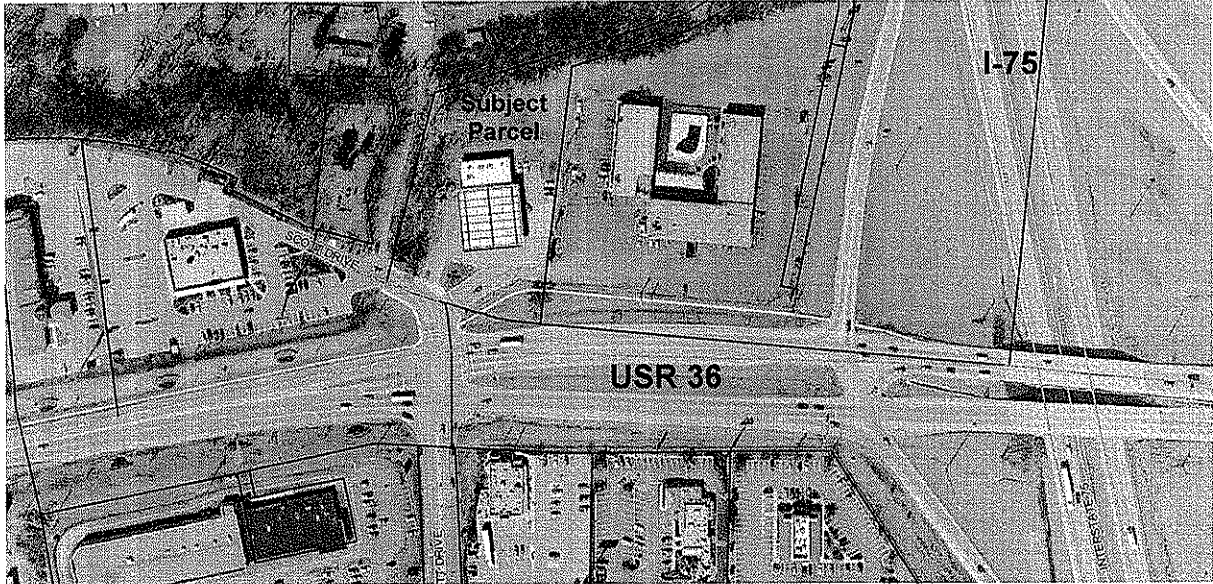
*The existing nonconforming detached sign located near the east lot line and USR 36 will be removed within 15 days following the installation of the proposed electronic changeable copy signs.*

# STAFF REPORT

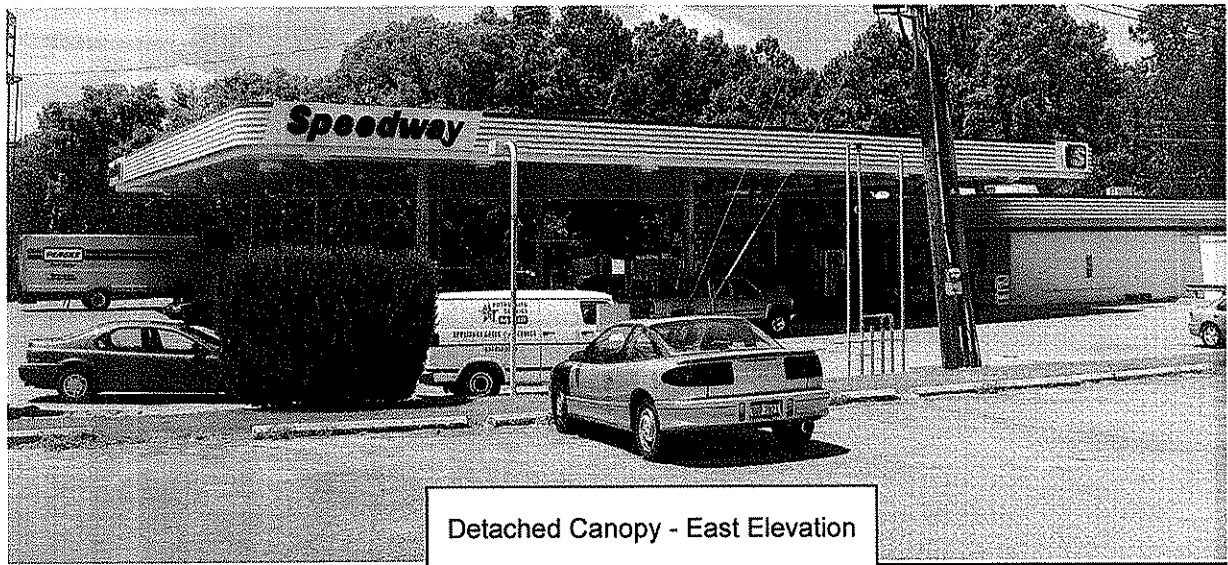
Date: July 13, 2009  
Subject: Speedway Signage

Page 4

## VICINITY MAP

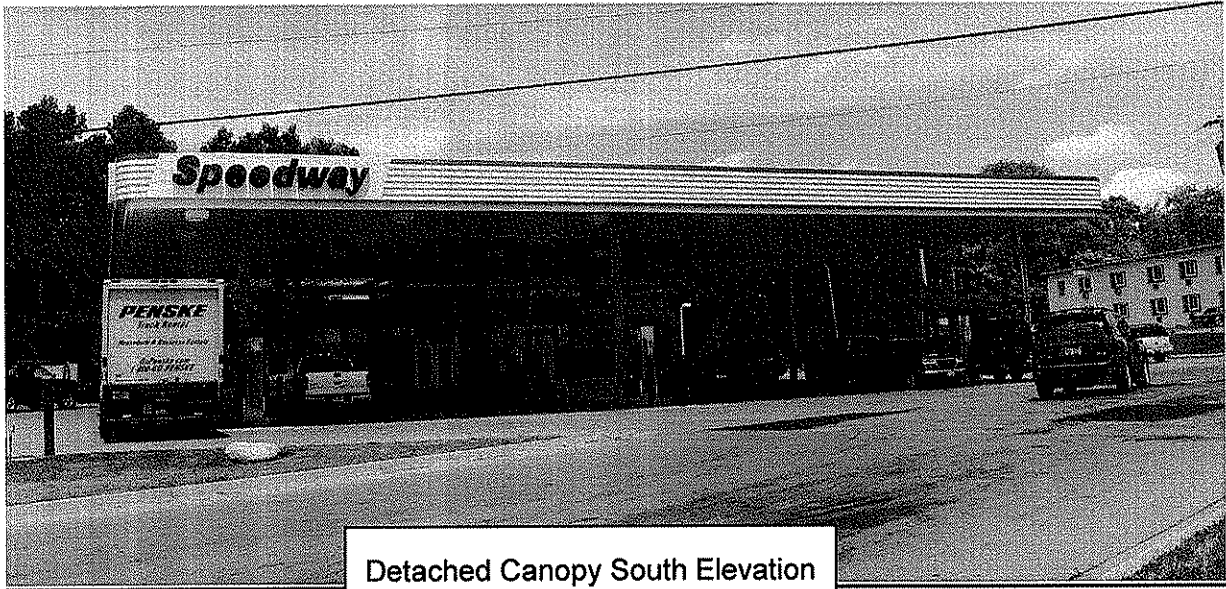


## PHOTOS



**STAFF REPORT**

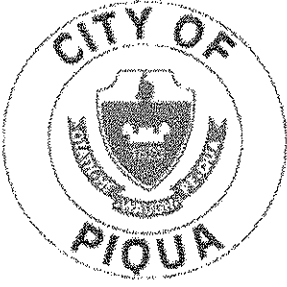
Date: July 13, 2009  
Subject: Speedway Signage



Detached Canopy South Elevation



Nonconforming Detached Sign



## 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](mailto:cschmiesing@piquaoh.org)

July 16, 2009

Deron Yingst  
430 N. Wayne St.  
Piqua, OH 45356

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### \*\*\* MEETING NOTICE \*\*\*

---

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TIME: **6:00 P.M.**

DATE: **Tuesday, July 28, 2009**

LOCATION: **Commission Chambers, Municipal Government Complex  
201 W. Water Street**

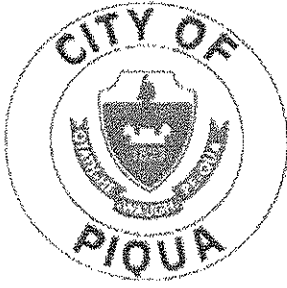
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*Chris Schmiesing*

Christopher W. Schmiesing  
City Planner

Enc.



## PLANNING AND ZONING

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

July 16, 2009

Jonathan Zweizig, Esq.  
18 East Water St.  
Troy, OH 45373

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### \*\*\* MEETING NOTICE \*\*\*

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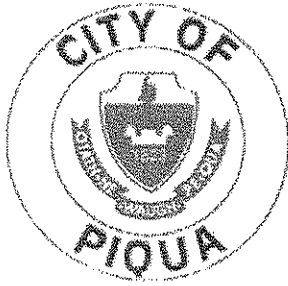
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July 16, 2009

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

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### \*\*\* MEETING NOTICE \*\*\*

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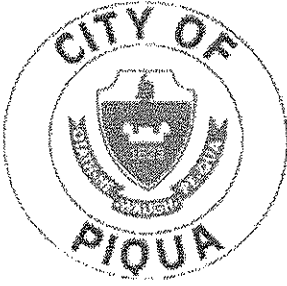
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City Planner

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## PLANNING AND ZONING

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July 16, 2009

YWCA Trustees  
418 N. Wayne  
Piqua, OH 45356

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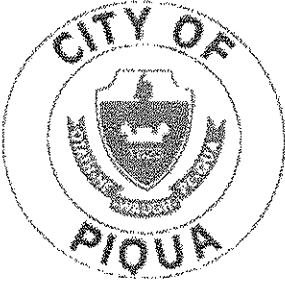
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City Planner

Enc.



## PLANNING AND ZONING

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July 16, 2009

Raval Vandna  
2952 Shawnee Tr.  
Piqua, OH 45356

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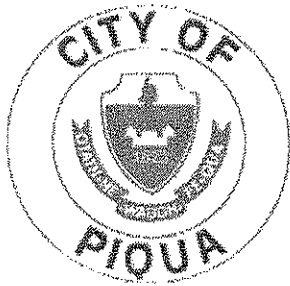
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Christopher W. Schmiesing  
City Planner

Enc.



## PLANNING AND ZONING

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July 16, 2009

Coughlin Rentals, LLC  
404 N. Wayne St.  
Piqua, OH 45356

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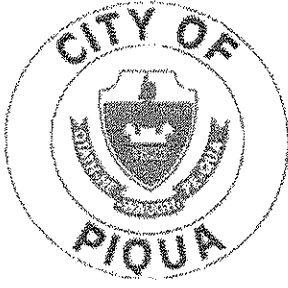
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City Planner

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## PLANNING AND ZONING

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July 16, 2009

Building Corporation President  
Council 33  
204 W. Ash St.  
Piqua, OH 45356

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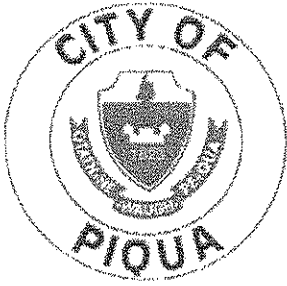
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*Chris Schmiesing*

Christopher W. Schmiesing  
City Planner



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## PLANNING AND ZONING

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July 16, 2009

Shawn Gambill  
212 W. Ash St.  
Piqua, OH 45356

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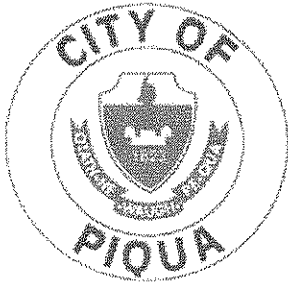
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July 16, 2009

Danny Gentry  
c/o Speedway Super America, LLC  
500 Speedway Dr.  
Enon, OH 45323

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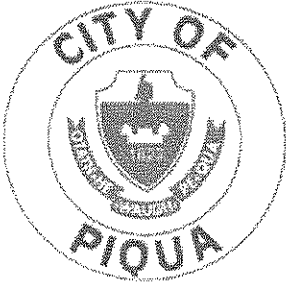
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July 16, 2009

Emro Marketing Company  
900 Scott Dr.  
Piqua, OH 45356

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