

**BOARD OF ZONING APPEALS AGENDA  
ACTION SUMMARY  
CITY OF PIQUA, OHIO  
6:00 P.M. - JANUARY 26, 2010  
MUNICIPAL GOVERNMENT COMPLEX  
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

ROLL CALL

MEETING MINUTES August 25, 2009

**OLD BUSINESS**

None

**NEW BUSINESS**

- 1.Resolution BZA 01-10 A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2010 calendar year.
- 2.Resolution BZA 02-10 A request for a variance to the parking lot located at 741 Staunton Street to allow the change from asphalt to gravel in the private utility lot.
- 3.Resolution BZA 03-10 A request for a variance to increase the size of the sign located at 8750 North County Road 25A from 50 SQ. FT. to 78.33 SQ.FT.
- 4.Resolution BZA 04-10 A request to variance the landscape with exposed pole supports at 8750 North County Road 25A.

**OTHER BUSINESS**

None

**ADJOURNMENT**

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, AUGUST 25, 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".

**ROLL CALL**

Members Present: Steve Reindel, Chair, Rebecca Harrison, Pat Jenkins,  
Jimmy Reedy and Mark Spoltman

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

Attendees: Terry and Jane Cotrell, 415 N. Downing Street, Piqua, OH 45356.

**MEETING MINUTES**

Pat Jenkins made a motion to approve the July 28, 2009 meeting minutes. The motion was seconded by Jimmy Reedy and all voted aye.

**OLD BUSINESS**

There was no Old Business to discuss at this meeting.

**NEW BUSINESS**

1. **Resolution BZA 11-09**

An appeal to the July 29, 2009 Property Maintenance Code violation at the property located at 301 Gordon St., Piqua, Ohio.

Mr. Boeke presented staff comments indicating that the Health Dept. received a complaint from the tenant at 301 Gordon Street regarding the ceiling fan in the kitchen. An inspection was done and a notice was sent to Mr. Cotrell, the property owner regarding the violation. Mrs. Cotrell contacted the Health Department and upon re-inspection on August 10, 2009, it was determined that the repairs had been completed in a satisfactory manner.

Mr. Cotrell addressed the Board and indicated that his appeal is with regard to a misinterpretation of the code. He disputes that it is his responsibility to maintain the interior of the structure and that the tenant complained because he had recently served her with a 3-day eviction notice.

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Mr. Cotrell presented the Board with copies of Ohio Revised Code and Section 305 of the International Property Maintenance Code.

Mrs. Wall addressed the Board and clarified that Section 305.1 indicates that the "interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition".

Mr. Cotrell stated that he was not aware the fan was in the unit and that the tenant installed the fan and removed the light fixture that was previously there. He felt that the damage was done when the tenant tried to remove the ceiling fan. Mr. Cotrell indicated that the appeal could have been avoided if Mr. Boeke would have contacted him by phone. Mr. Cotrell indicates that the tenant should have been cited and not the property owner.

The Chair asked Mr. Cotrell if he had obtained a security deposit from the tenant to which the response was yes. The Chair clarified the Rules of the Board of Zoning Appeals. Mr. Spoltman disagreed with Mr. Cotrell regarding who should have been cited and requested that Mrs. Wall re-address the issue which she did summing up that the occupants responsibility is cleanliness and the owners responsibility is the structure. Mrs. Wall also relayed to the Board that they do not have the ability to render a legal opinion. Mrs. Wall asked Mr. Cotrell if he had a lease shifting the burden of responsibility of the structure to the tenant and Mr. Cotrell indicated that he did not.

Mr. Cotrell continued that he wanted clarification that the issue was not his responsibility.

Mr. Reedy asked how the Board gets to Ohio Revised Code from the Code to which the Chair pointed out that the Board was not present to debate the law and the Board could only rule if it is a violation. The Chair went on to say that the Board's job is to determine if the evidence submitted is a violation. He pointed out to Mr. Cotrell that he was present before the Board because he is the property owner and additionally pointed out that the issue had been abated.

Mr. Reedy commented that he understood Mr. Cotrell's concern but that the matter is a moot point.

The Chair reiterated the process of the BZA and that the Board cannot render a legal opinion and that the Board's job is to determine if the information represented by staff indicates a violation.

There was no Public Comment and Public Comment was closed.

The Chair commented that for the reasons stated he feels that there is a violation and it has been fixed so it is abated and believes that the appeal should be denied. Mr. Spoltman agreed with the Chair that the appeal should be denied as did Mr. Jenkins, Mrs. Harrison and Mr. Reedy.

A motion was made by Mark Spoltman to deny the appeal and the motion was seconded by Mrs. Harrison. The appeal was denied with a vote of 5-0.

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MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

2. **Resolution BZA 12-09**

A request for a variance to allow two (2) primary permanent detached signs with zero (0) foot front lot line setbacks to be located at 110/116 W. High Street, Piqua, Ohio.

Mr. Schmiesing presented staff comments recommending the Board approve the requested variance and stating that the proposed nonconformities represent the best opportunity for the placement of signage at this location in a manner that is mindful of the buildings historical architecture and sensitive to the impact the signage will have on the immediate surroundings. He indicated 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, would not substantially alter the character of the neighborhood or be a detriment to the adjoining properties, would not adversely affect the delivery of government services, would not relieve the property owner from conforming to all other applicable standards, would solve a problem that can not be remedied by other means and 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.

Mrs. Wall pointed out that a Motion to amend the Agenda was required as this item was not presented within the 24 hour notice requirement.

Mr. Jenkins had several questions regarding the timing and questioned whether there is anything in writing to indicate how these items come before the Board.

Mr. Schmiesing indicated that the policy is the Board's policy and that the reason that the item was brought forward was to eliminate any delay.

Mrs. Wall again pointed out the need for a Motion to amend the Agenda and Mr. Jenkins believed that there was a 15 day time period for submission. Mr. Jenkins also questioned the parties who make up Piqua Downtown Redevelopment Project LP to which Mrs. Wall responded.

Mr. Reedy indicated that he has seen no signage for the restaurant located at this site and wanted to know if there would be some in the future. Mr. Schmiesing indicated that a package has been presented by the restaurant, which is currently in compliance with the zoning code so no variances are needed, but nothing had been received from Winan's. Mr. Reedy also expressed his concern regarding vandalism to the sign.

Mr. Spoltman asked what the policy was for short notice of agenda items to which Mr. Schmiesing explained that the package is to be sent to the members 10 days in advance of the meeting date.

Mr. Reindel requested a motion to hear the agenda item due to the lack of the 10 day notice.

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Mrs. Wall explained that the Board could:

1. Amend the Agenda and hear the item (recommended)
2. Deny the item and it would be heard at the next regularly scheduled meeting
3. Amend the agenda but table the item and vote on it at the next regularly scheduled meeting

Mr. Reedy made a motion to hear the agenda item which was seconded by Mrs. Harrison. All voted Aye and the motion was carried.

Mr. Jenkins made a motion to table the item until the next regularly scheduled meeting which was seconded by Mr. Reedy. This motion was denied with a vote of 3-2.

Mr. Spoltman indicated that he thought the matter should be acted on in a timely manner and Mrs. Harrison agreed. A motion by Mr. Spoltman to approve BZA 12-09 was made and seconded by Mrs. Harrison. This motion was approved with a vote of 3-2.

**OTHER BUSINESS**

Mr. Spoltman requested to be excused at 7:00 p.m. and was excused by the Board.

Chris Schmiesing did a Powerpoint presentation of the Principals of Land Use. There was a brief discussion and the Board thanked Mr. Schmiesing for putting the presentation together.

**ADJOURNMENT**

With no further business to conduct it was moved by Pat Jenkins and seconded by Jimmy Reedy that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:20PM

RESOLUTION BZA 01-10

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 approve 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Steve Reindel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Jimmie Reedy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 02-10

WHEREAS, Matt Bushnell, on behalf of Bushnell's Collision & Restoration, owner of the subject parcel in the City of Piqua, Ohio, being in a district zoned B (General Business District), has filed a request for a parking variance to allow the change from asphalt to gravel in the private utility lot located at 741 Staunton Street, Piqua, Ohio.

WHEREAS, the City of Piqua Zoning Code Section 154.081 J states:

**154.081** GENERAL REGULATIONS

(J) All parking lots, parking spaces, and driveways shall be surfaced with a bituminous or portland cement concrete pavement or other similar dust free material deemed equal by the enforcing official, except fro parking lots, parking spaces, or driveways located in the rear yard of a residential use located in a residential district, in which case the parking lot, parking space, or driveway may be surfaced with an aggregate material. The pavement composition of all parking lots, parking spaces, and driveways shall be designed to a strength and thickness adequate to support the anticipated traffic loads, with all pavement designs subject to the approval of the City Engineer. All parking lots, parking spaces, and driveways shall be constructed to the following minimum specifications.

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to **(approve/deny)** the request to variance the parking lot allowing the change from asphalt to gravel in the private utility lot located at 741 Staunton Street. The Motion was seconded by \_\_\_\_\_ and the request was **(approved/denied)** 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" 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"/>

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Matt Boshnell  
APPLICANT ADDRESS 4454 Demming Rd.  
CITY Piqua STATE OHIO ZIP 45356  
PHONE (937) 615-0952  
LEGAL INTEREST OF APPLICANT Business Owner

OWNER NAME Matt Boshnell  
BUSINESS NAME Boshnell's Collision  
OWNER ADDRESS 4454 Demming Rd  
CITY Piqua STATE Oh ZIP 45356  
PHONE (937) 615-0952

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED  
STREET ADDRESS 741 Staunton St.  
CITY Piqua STATE Ohio ZIP 45356  
LOT NUMBER \_\_\_\_\_ ZONING DESIGNATION I-1

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 allowing the change from asphalt to gravel in private utility lot

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 12/06/09

SIGNATURE OF APPLICANT [Signature] DATE 12/16/09

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. COOP

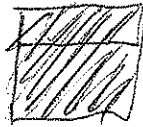
RECEIPT No. - 186373 DATE - 12-18-09

POST-DEVELOPED  
Lot + fence AREA

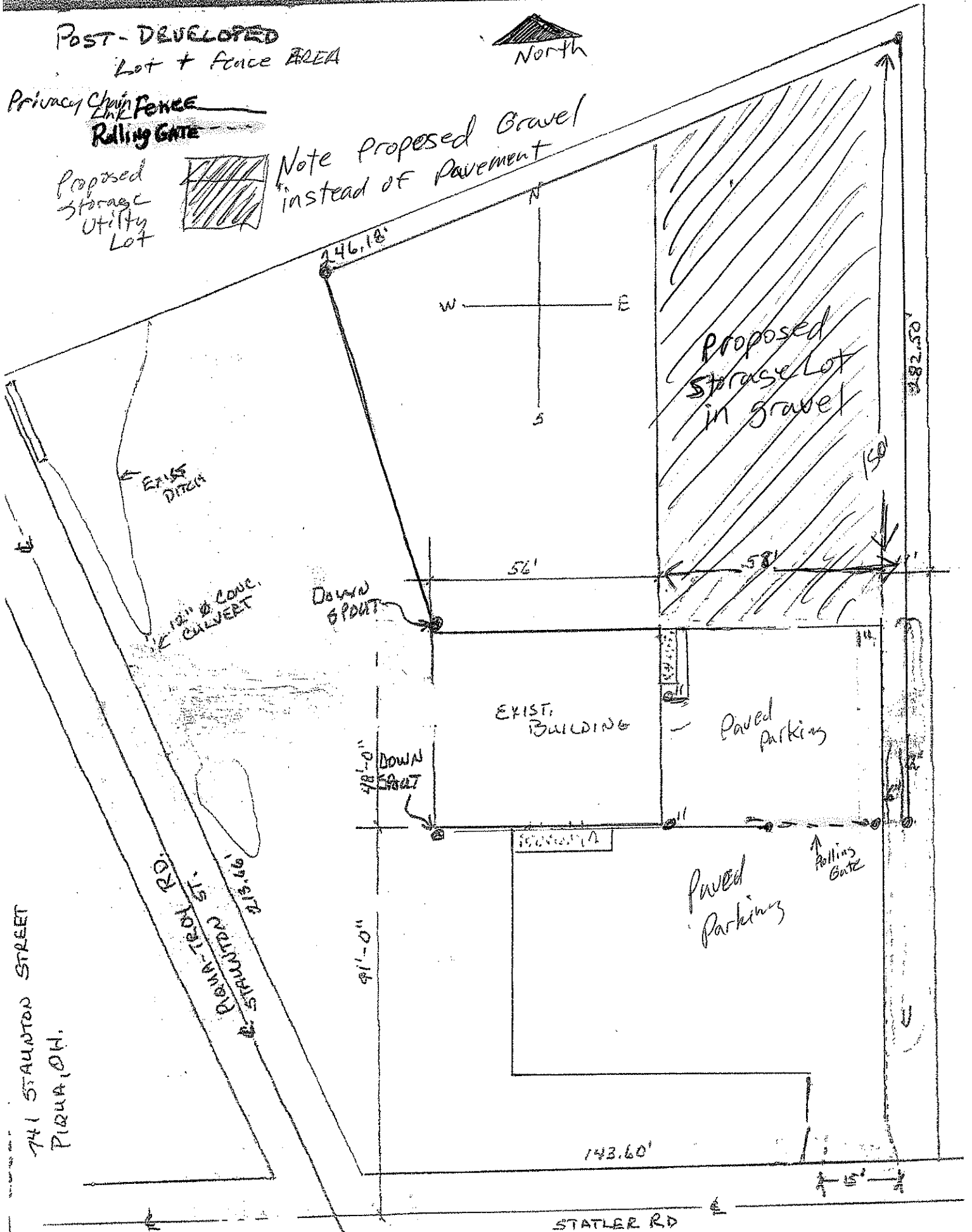


Privacy Chain Fence  
Rolling Gate

Proposed  
Storage  
Utility  
Lot



Note proposed Gravel  
instead of Pavement



741 STAUNTON STREET  
PIQUA, OH.

DOWN-TOWN ST.  
STAUNTON ST.

STATLER RD

# **BUSHNELL'S**

## **COLLISION & RESTORATION**

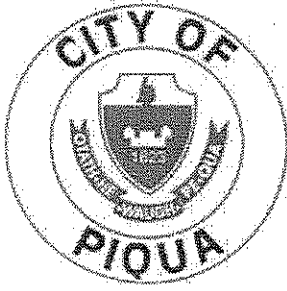
741 STAUNTON ST PIQUA, OHIO 45356

Phone 937-778-8655

Fax 937-778-8654

For the storage lot at the back of our property to be used for tow ins from our towing business . To put in gravel instead of asphalt or concrete, being that wrecked cars will damage expensive surface . Also our fence will be completely private so general public does not see in or have access to . This will be a private lot with low traffic. We will us a larger dust free gravel for lot. All our surfaces will be graded and roll packed.  
Thank you for reading my appeal.

Matt Bushnell, Owner



## **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

### **STAFF REPORT**

Date: January 15, 2010  
To: Board of Zoning Appeals Members  
From: Chris Schmiesing, City Planner  
Subject: BZA Resolution 02-10

### **GENERAL INFORMATION**

Applicant: Bushnell's Collision and Restoration  
Owner: Matt Bushnell  
Location: 741 Staunton Street  
Zoning: I-1 (Light Industrial)  
Land Use  
Existing: Automotive Repair  
Proposed: Automotive repair  
Request: To variance section 154.081(J) of the zoning code to allow a gravel parking surface.

### **DISCUSSION/FINDINGS**

The code provision pertaining to this variance request requires that the proposed parking lot surface have an asphalt or concrete pavement surface. However, the parking area (already established without proper permits) is gravel and the owner would like to keep it as such. This area is used for the long term storage of wrecked vehicles being parted out or to be restored at a later date. The owner states he intends to add onto the building into this area at some point in the future and for this reason prefers to not have to pave the lot. He also indicates that the area will be fenced in with a 6 foot high security fence.

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: January 15, 2010  
Subject: BZA Resolution 02-10

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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 the gravel parking surface is driven by the applicant's desire not to pave the subject area. Gravel surface material can be found at adjacent sites occupied by similar land use types.*

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

## STAFF REPORT

Date: January 15, 2010  
Subject: BZA Resolution 02-10

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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 parking surface provision from which the applicant seeks relief comes as a result of the applicant's desire to not pave the subject area. Approving this request will result in a substantial increase in the degree of the nonstandard conditions that exist in relation to the parking facilities found at this location. However, the proposed gravel parking surface, under the circumstances present and given the location proposed, would not be inconsistent with the improvements surrounding this location. In particular if the applicant provides screening in the proposed fencing/barrier control to obscure the visibility of the nonstandard condition from public view. Therefore, it is staff's conclusion that if authorized, the variance would yield the property owner a reasonable use of the property; the proposed variance 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 proposed gravel parking surface area shall be screened from public view with fence screening and or landscaping features.*

**RESOLUTION No. BZA 03-10**

WHEREAS, Cliff Rough/Lackner Signs on behalf of Richard Kennett owner of KFLP Properties, LLC (One Stop Auto Sales), 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 size of the detached sign located at 8750 North County Road 25A, Piqua, Ohio.

WHEREAS, the City of Piqua Zoning Code Section 154.101 (c) states:

154.101 PERMANENT; DETACHED SIGNS.

(C) Height, area, and setback regulations.

(1) General requirements for primary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Canopy (detached) sign	20 feet	1 sq. foot per lineal foot of the width of the canopy face to which the sign will be attached, not to exceed 50 sq. feet	N/A	10 feet	5 feet
Ground sign; monument sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Ground sign; monument sign	12 feet	50 sq. feet	1 acre or more	10 feet	5 feet
Pole sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Pole sign	20 feet	50 sq. feet	1 acre or more	10 feet	5 feet

(2) General requirements for primary secondary permanent detached signs.

Sign Type	Maximum	Maximum	Minimum	Minimum	Minimum
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RESOLUTION No. BZA 03-10

	Height	Sign Area	Lot Area	Setback from Front Lot Line	Setback from Side and Rear Lot Lines
Ground sign; monument sign; pole sign	4 feet	6 sq. feet	N/A	2 feet	5 feet

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to **(approve/deny)** the request to variance the size of the detached sign located at 8750 North County Road 25 A, Piqua, Ohio. The Motion was seconded by \_\_\_\_\_ and the request was **(approved/denied)** 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" 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"/>

RESOLUTION No. BZA 04-10

WHEREAS, Cliff Rough/Lackner Signs on behalf of Richard Kennett owner of KFLP Properties, LLC (One Stop Auto Sales), 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 landscape with exposed pole supports at the property located at 8750 North County Road 25A, Piqua, Ohio.

WHEREAS, the City of Piqua Zoning Code Section 154.101 D (3) states:

(3) *Landscaping. Each freestanding sign permitted, shall be effectively landscaped with living plant material to be maintained in good condition at all times. The minimum landscaped area shall include the base of all freestanding signs, and extend in all directions at least three feet beyond all sign faces and supporting structures. Exposed foundations and pole supports must be constructed or encased with a finished material such as brick, stone, or wood, or be screened with evergreen plantings.*

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to (~~approve/deny~~) the request to variance to modify the landscape with exposed pole supports to the property located at 8750 North County Road 25 A, Piqua, Ohio. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" 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"/>

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME LACKNER SIGN GROUP

APPLICANT ADDRESS 6067 SCHUMACHER PK DR

CITY WEST CHESTER STATE OHIO ZIP 45069

PHONE ( 513 ) 779 - 8686

LEGAL INTEREST OF APPLICANT SIGN CONTRACTOR

OWNER NAME RICHARD KENNETT

BUSINESS NAME KFLP PROPERTIES LLC - ONE STOP AUTO SALES

OWNER ADDRESS 8750 NORTH COUNTY ROAD 25A

CITY PIQUA STATE OHIO ZIP 45356

PHONE ( 937 ) 606 . 2806

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED

STREET ADDRESS 8750 NORTH COUNTY ROAD 25A

CITY Piqua STATE Ohio ZIP 45356

LOT NUMBER N44-078774 ZONING DESIGNATION GENERAL BUSINESS

TYPE OF VARIANCE BEING REQUESTED - (CIRCLE ONE) ZONING - (CR- 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 SIGN - SIZE INCREASE 50 SQ.FT TO 78.33 SQ.FT.

SECONDARY IMAGE ON SIGN IS MORE THAN 25% OF TOTAL

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 R Kennett DATE 1-4-2010

SIGNATURE OF APPLICANT Lackner Signs/ Cliff Rough DATE 01/04/10

NOTE - BOTH OWNER AND APPLICANT DATED SIGNATURES OR STAMPS REQUIRED TO PROCESS REQUEST

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

\$25.00 FEE PAID - 25.00 RECEIVED BY - B. Cool

RECEIPT No. - 186376 DATE - 1-5-10

**Cliff Rough**

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**From:** "Chris Schmiesing" <cschmiesing@piquaoh.org>  
**To:** "Cliff Rough" <cliff@lacknersign.com>  
**Sent:** Monday, December 21, 2009 3:45 PM  
**Attach:** General Permit E-Gov Application.pdf  
**Subject:** RE: Proposed sign for One Stop Auto Sales  
 Cliff -

Just a couple of items that will need to be addressed before a zoning permit can be issued for the proposed signage.

1. The subject site is eligible for one primary detached sign up to 50 SF in area. The proposed signage shows two signs totaling 78.33 SF in area. The permitted sign can consist of a primary and secondary image provided the total sign area does not exceed 50 SF and the secondary image does not exceed 25% of the total allowable sign area (12.5 SF)
2. The landscaping at the sign base is to extend 3 feet in all directions as measured from the sign face/edge of the sign cabinet (not the pole supports). The perimeter of the parking area abutting the landscaped area is to be curbed or otherwise defined by a masonry planting box or similar boundary feature. The landscaping to be installed is to be detailed on the drawing. The exposed pole sign supports are required to be constructed or encased with a finished material such as brick, stone, or wood, or be screened with evergreen plantings.

With the aforementioned items addressed, submit an elevation view, a site plan drawing, and sign detail drawings along with a permit application and the \$25 application fee, and the zoning permit request will be processed within 5 to 10 business days.

Please let me know if you have any questions.

Chris

Chris Schmiesing  
 City Planner  
 City of Piqua  
 Development Office  
 201 West Water Street  
 Piqua, OH 45356

Phone 937.778.2049  
 Fax 937.778.0809  
 Email [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org)

---

**From:** Cliff Rough [mailto:cliff@lacknersign.com]  
**Sent:** Monday, December 21, 2009 1:33 PM  
**To:** Chris Schmiesing  
**Subject:** Proposed sign for One Stop Auto Sales

Chris,

Attached is information on the pole sign that our client wants to install at 8750 N County Rd 25A, Piqua.

Please review and advise your comments pertaining to getting a zoning permit.

Your help will certainly be appreciated!

# Data For Parcel N44-078774

## Base Data

**Parcel:** N44-078774  
**Owner:** KFLP PROPERTIES LLC  
**Address:** 8728 N CO RD 25A



## Tax Mailing Address

**Tax Mailing Name:** KFLP PROPERTIES LLC  
**Address:** 1190 N CO 25-A RD  
**City State Zip:** TROY OH 45373

## Owner Address

**Owner Name:** KFLP PROPERTIES LLC  
**Address:** 8728 N CO 25A RD  
**City State Zip:** PIQUA OH 45356

## Geographic

**City:** CITY OF PIQUA  
**Township:**  
**School District:** PIQUA CSD

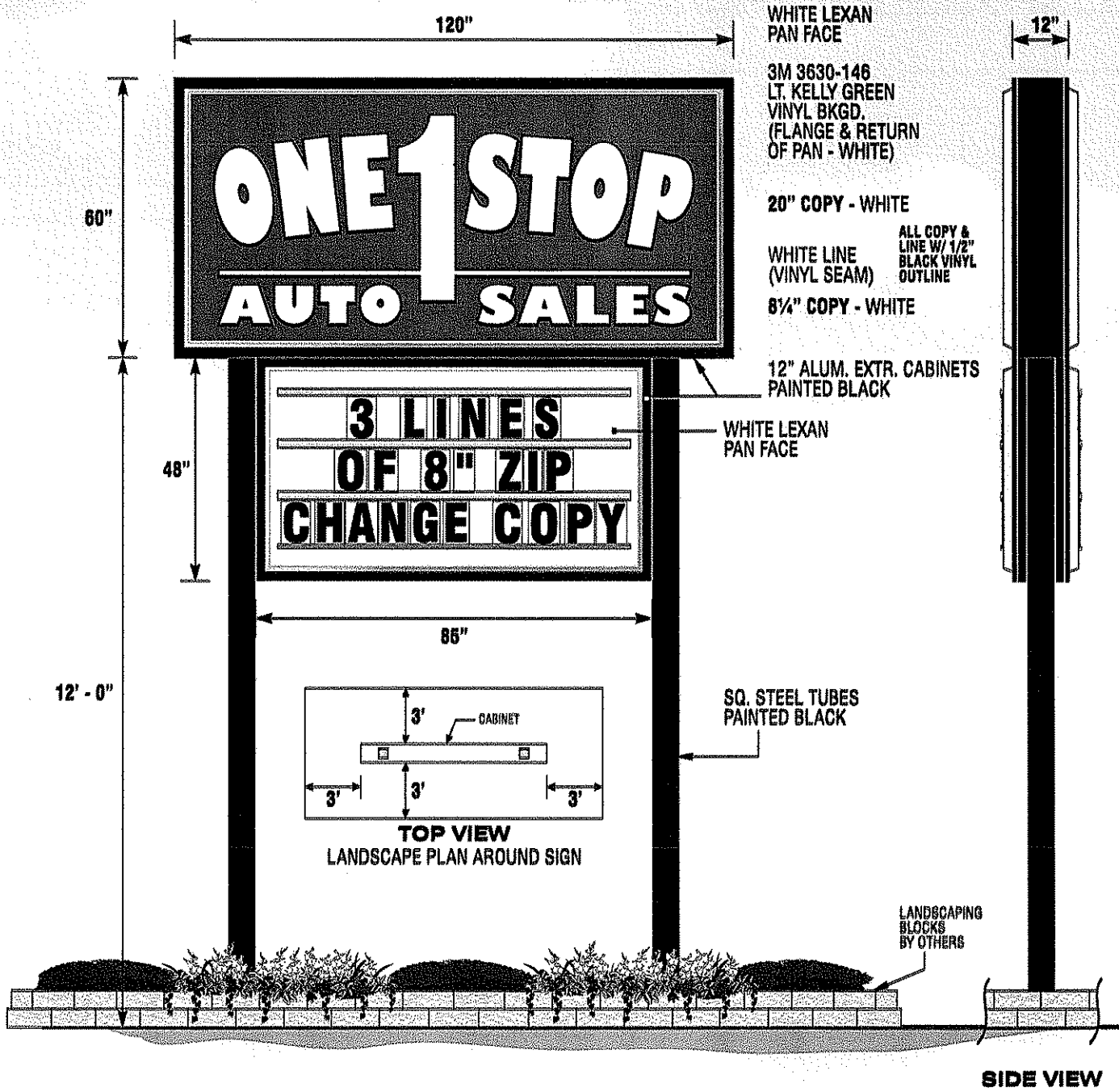
## Legal

<b>Legal Acres:</b>	1.704	<b>Homestead Reduction:</b>	NO
<b>Legal Description:</b>	IN LOT 8928 CRA ABATE - N44-255076	<b>2.5% Reduction</b>	NO
<b>Land Use:</b>	454 - AUTOMOBILE CAR SALES & SERV	<b>Foreclosure:</b>	NA
<b>Neighborhood:</b>	01500	<b>Board of Revision:</b>	NO
<b>Number Of Cards:</b>	1	<b>New Construction:</b>	NA
<b>Annual Tax (Does not include delinquencies.):</b>	\$917.72	<b>Divided Property:</b>	NA
<b>Map Number:</b>	011225.2-01-017-00	<b>Routing Number:</b>	011225.2-01-017-00

## Notes

**Notes:**

CAMA database last updated 12/25/2009 11:49:06 PM.

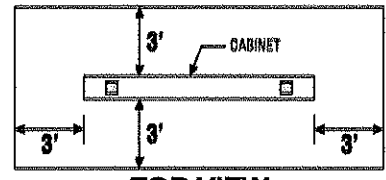


WHITE LEXAN PAN FACE  
 3M 3630-146 LT. KELLY GREEN VINYL BKGD. (FLANGE & RETURN OF PAN - WHITE)  
 20" COPY - WHITE  
 WHITE LINE (VINYL SEAM)  
 8 1/4" COPY - WHITE  
 ALL COPY & LINE W/ 1/2" BLACK VINYL OUTLINE  
 12" ALUM. EXTR. CABINETS PAINTED BLACK

WHITE LEXAN PAN FACE

SQ. STEEL TUBES PAINTED BLACK

LANDSCAPING BLOCKS BY OTHERS



TOP VIEW LANDSCAPE PLAN AROUND SIGN

SIDE VIEW

\*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

All internally illuminated signs are UL Listed.  
 All electrical signs wired for 120 volt unless specified otherwise.

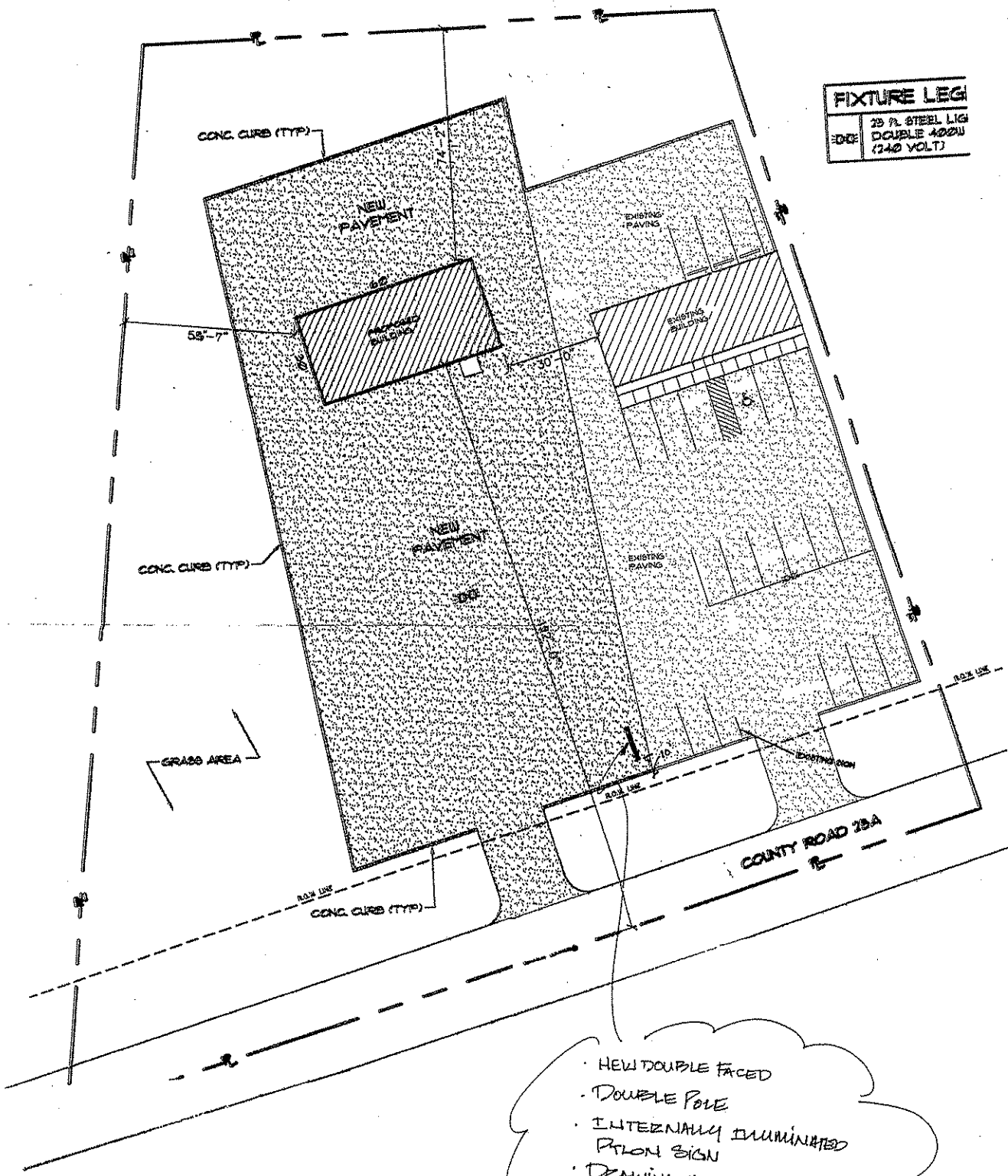
<b>D/F Illuminated pylon sign</b>				
<b>DATE:</b> 1/4/10	<b>SCALE:</b> 3/8" = 1' - 0"	<b>BY:</b> SB	<b>REP:</b> DW	<b>SK. NO:</b> 2810-03
<b>CLIENT:</b> One Stop Auto Sales		<b>LOC:</b> 8750 N. County Rd. 25A, Plqua		
<b>FILE:</b> OneStAuto01B				



This original design and all information contained herein are the property of Lackner Sign Co. and subject to return. Any unauthorized use is forbidden.  
 Lackner Sign Company  
 P.O. Box 218  
 West Chester, OH 45071-0218  
 (800) 804-4444

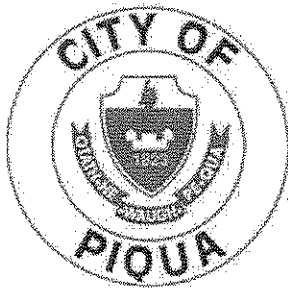
CLIENT APPROVAL: CLIENT SIGNATURE INSURED THAT ALL SPELLING, COLORS, AND SPECIFICATIONS RENDERED ON THIS SKETCH MEET CLIENT SATISFACTION.  
 DATE: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ LANDSCAPE APPROVAL: \_\_\_\_\_

(513) 779-8686 Fax (513) 755-5050 www.lackner-sign.com



- NEW DOUBLE FACED
- DOUBLE POLE
- INTERNALLY ILLUMINATED
- Pylon SIGN
- DRAWING # 2810-02
- SET BACK 10' OFF R/W

2750 NORTH County Road 25A



## 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: January 15, 2010  
To: Board of Zoning Appeals Members  
From: Chris Schmiesing, City Planner  
Subject: BZA Resolution 03/04-10

### GENERAL INFORMATION

Applicant: Lackner Sign Group  
Owner: KFLP Properties LLC – One Stop Auto  
Location: 8750 N CR 25-A  
Zoning: B (General Business)  
Land Use  
Existing: Vehicle Sales  
Proposed: Vehicle Sales  
Request: To variance section 154.101(C)(1) and 154.101(D)(3) of the zoning code to allow a 73 SF freestanding sign with exposed support columns.

### DISCUSSION/FINDINGS

The code provision pertaining to this variance request requires that the proposed freestanding sign not exceed 50 SF in area and include finished support columns. As proposed the sign area will be 73 SF in area and the support columns will be exposed.

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 REPORT

Date: January 15, 2010  
Subject: BZA Resolution 03/04-10

Page 2

*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 the oversize sign with exposed columns is driven by the applicant's desire not peculiar exceptions and unusual circumstances.*

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 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 sign will impair established property values, public health, safety, comfort, morals, or the welfare of the neighborhood, community, or citizens.*

## STAFF REPORT

Date: January 15, 2010  
Subject: BZA Resolution 03/04-10

Page 3

### CONCLUSION

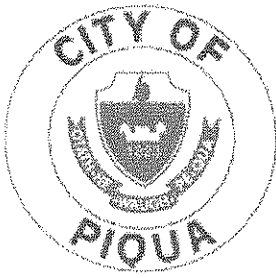
The conditions necessitating this variance request are not the result of unique and peculiar circumstances found at this location. Approving this request will result in a substantial deviation from the applicable code requirements. While signs of similar size and shape exist nearby, all of these signs were installed prior to the community updating sign standards in 2006. Therefore, it is staff's conclusion that authorizing the variance is not necessary to allow the owner a reasonable use of the property; authorizing the proposed variance would 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 not solve a problem that can not be remedied by other means; and, the variance would not 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 **deny** the requested variance.

JANUARY 26, 2010  
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 02-10	Matt Bushnell	741 Staunton Street	Piqua, OH 45356
BZA 02-10	BOVAST INDUSTRIAL SUPPLY CO	308 E Statler Road	Piqua, OH 45356
BZA 02-10	HAGER CECIL C & JUANITA M	204 FIFTH ST	Piqua, OH 45356
BZA 03/04-10	Lackner Sign Group	6067 Schumacher Pk Dr	West Chester, OH 45069
BZA 03/04-10	KFLP Properties LLC - One Stop Auto Sales	8750 N. CR 25-A	Piqua, OH 45356
BZA 03/04-10	CHANEY GRAEF POST	P O BOX 572	Piqua, OH 45356
BZA 03/04-10	SCARBROUGH FAMILY LIMITED	3492 NE CAUSEWAY BLVD APT 401	JENSEN BEACH FL 34957
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	
	BILL MURPHY	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	



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## PLANNING AND ZONING

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

January 15, 2010

### MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD

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

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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** (see enclosed meeting agenda). To view the Board of Zoning Appeals packet in its entirety, visit [http://www.piquaoh.org/agenda\\_zoning\\_bd.htm](http://www.piquaoh.org/agenda_zoning_bd.htm) or stop by this office.

TIME: **6:00 P.M.**  
DATE: **Tuesday, January 26, 2010**  
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.

**BOARD OF ZONING APPEALS AGENDA  
ACTION SUMMARY  
CITY OF PIQUA, OHIO  
6:00 P.M. - JANUARY 26, 2010  
MUNICIPAL GOVERNMENT COMPLEX  
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

ROLL CALL

MEETING MINUTES August 25, 2009

**OLD BUSINESS**

None

**NEW BUSINESS**

- 1.Resolution BZA 01-10 A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2010 calendar year.
- 2.Resolution BZA 02-10 A request for a variance to the parking lot located at 741 Staunton Street to allow the change from asphalt to gravel in the private utility lot.
- 3.Resolution BZA 03-10 A request for a variance to increase the size of the sign located at 8750 North County Road 25A from 50 SQ. FT. to 78.33 SQ.FT.
- 4.Resolution BZA 04-10 A request to variance the landscape with exposed pole supports at 8750 North County Road 25A.

**OTHER BUSINESS**

None

**ADJOURNMENT**