

**BOARD OF ZONING APPEALS AGENDA
ACTION SUMMARY
CITY OF PIQUA, OHIO
6:00 P.M. - FEBRUARY 23, 2010
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

ROLL CALL

MEETING MINUTES January 26, 2010

OLD BUSINESS

None

NEW BUSINESS

- 1.Resolution BZA 05-10 A request for a variance to the height and setback requirements to allow for a cellular/communication tower to be located on a lot. Variance request is for a 190' tower height with a 152.4' setback to the east lot line and a 47.6' setback to the south and west at the property located at 1703 Commerce Drive.
- 2.Resolution BZA 06-10 A request for a variance to the parking lot allowing the change from asphalt to gravel in the private utility lot located at 1703 Commerce Drive.

OTHER BUSINESS

None

ADJOURNMENT

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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, Mark Spoltman, Vice Chair,
Rebecca Harrison and Pat Jenkins,

Members Absent: Jimmie Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Gretchen Kennett, Owner, One Stop Auto Sales, David
Williams, Lackner Signs

The Chair moved to excuse board member Jimmie Reedy. Mr. Reindel indicated he had spoken with Mr. Reedy regarding his interest in serving as Chair or Vice Chair of the Committee and Mr. Reedy said he was not interested in either position. Mr. Jenkins seconded the motion to excuse Mr. Reedy and members were in agreement.

MEETING MINUTES

Pat Jenkins made a motion to approve the August 25, 2009 meeting minutes. The motion was seconded by Rebecca Harrison and all voted aye.

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.

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After the procedures for appointing a Chair and Vice Chair were read and the declaration of candidacy was recorded, Mark Spoltman made a motion to nominate Steve Reindel to serve as Chair. Rebecca Harrison seconded the motion and all voted aye. Mr. Reindel will serve as Chair for the 2010 calendar year.

Mark Spoltman made a motion to nominate Rebecca Harrison as Vice Chair. Pat Jenkins seconded the motion and all voted aye. Mrs. Harrison will serve as Vice Chair 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.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating:

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.

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It was Mr. Schmiesing's recommendation that the Board approve the variance with the modification to the requested variance, being as follows:

The proposed gravel parking surface area shall be screened from public view with fence screening and or landscaping features.

Mr. Spoltman questioned the diagram indicating it is proposing a chain link fence. Mr. Schmiesing responded that there is a fence now and in conversations that he has had with the owner of the business it was indicated that the fence would be extended and include a sliding gate and lattice so that the lot would not be visible. Mr. Spoltman wanted to know if the fence would encompass the entire area and the answer by Mr. Schmiesing was yes and that there would be additional landscaping done if needed. Mr. Spoltman also questioned the timing of the project. Mr. Schmiesing indicated that the applicant was eager to get started on the project but of course the weather would dictate that.

Mr. Jenkins made a motion to approve the resolution.

Mr. Spoltman commented that he agreed with the staff comments and the recommendation to approve the resolution with the conditions stated in the staff comments. **Mr. Spoltman moved to amend the resolution to include the wording "provided the parking area meets the zoning code requirement for gravel lots and the entire south side is screened including the gate.**

Mr. Jenkins moved to approve the resolution as amended and Mr. Spoltman seconded the motion. The resolution was approved as amended with a vote of 4-0.

3. **Resolution 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.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating:

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

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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.

Gretchen Kennett presented to the Board that she is the owner of One Stop. This is the company's fourth location and that all of the signs at the other locations are the same as the one being proposed. Ms. Kennett indicates that the bottom reader generates a lot of sales and that the sign is exactly like the sign at the location down the road. She is requesting the same opportunity as her competition.

David Williams with Lackner Signs addressed the Board and presented them with color copies of examples of different signs from his company. Mr. Williams indicated that he understood that the code had changed. His client is asking for allowance to advertise the same way all of the other businesses in the area do. He pointed out that it is the same sign as Car and Credit has and he does not feel the sign is prohibitive as it is in line with everything else out there. He explained that the reader board is important. He went on to say that the sign has a clean and simple design, is effective in advertising and would last 20 years easily.

Mr. Spoltman asked if the sign was a standard size or if they are all custom made to which Mr. Williams responded they are all custom made.

Public comment was closed and the Board deliberated. Mr. Reindel indicated that what this comes down to is a request for what the applicant feels is proper for advertisement v. code requirements from 2006. On one hand, we have advertising and we also have to take the community into consideration.

Mr. Spoltman had similar problems with the request. Mr. Spoltman asked staff if there have been new signs erected that meet the code since the code changed. Mr. Schmiesing indicated that there have been locations that are similar to this corridor and have been able to work to a solution. An example is the Dairy Queen on Rt. 36 - they did not include a reader panel but it was designed to include one. There is another on Sunset - Marcos Pizza.

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Mark questioned the billboard sign. Mr. Schmiesing responded that the billboards are "grandfathered". The community has expressed their concern indicating they are undesirable.

Mr. Jenkins indicated he didn't think it was unreasonable to grant this sign in lieu of the neighborhood it is in and he does not object to the variance.

Mr. Reindel indicated that the Board had ruled against applicants in the past.

Mrs. Harrison commented that there are 2 businesses in the area that are out of business and she commends what the applicant is trying to do.

Mr. Jenkins asked if the neighbors were notified and Mr. Schmiesing provided him with a copy of the mailing list. There were no neighbors present to object.

Mr. Reindel explained that the difficulty in this case is dealing with what might be appropriate and what the community has adopted for the sign code.

Mr. Jenkins made a motion to approve the resolution. Mrs. Harrison seconded the motion. Mr. Reindel and Mr. Spoltman voted against the approval. The vote was 2-2 and therefore the resolution was denied.

4. Resolution 04-10

A request to variance the landscape with exposed pole supports at 8750 North County Road 25-A.

Staff report recommends denial.

Mark Spoltman requested some examples of pole covers.

Mr. Schmiesing indicated that typically pole covers are fabricated and that masonry is preferred in our code. The requirement calls for the support to not be visible.

Gretchen Kennett addressed the Board indicating that she is not opposed to landscaping the poles and that they wanted to get the sign approved and then address the landscaping.

Mr. Spoltman indicates that the code is clear regarding landscaping. Mr. Reindel agrees. Mr. Spoltman opts to deny the request for the variance.

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Mr. Jenkins made a motion to deny the resolution. Mark Spoltman seconded the motion and a vote of 4-0 was recorded. The resolution is denied.

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 Mark Spoltman and seconded by Rebecca Harrison that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:15 PM.

RESOLUTION No. BZA 05-10

WHEREAS, Ed Block agent for AT&T Mobility, on behalf of Doug Knouff owner of Gerhart Wholesale, 1703 Commerce Drive in the City of Piqua, Ohio, being in a district zoned I1 (Light Industrial), has filed a petition to variance the height and setback requirements to allow for a cellular/communication tower to be located on a lot. Variance request is for a 190' tower height with a 152.4' setback to east lot line and a 47.6' setback to the south and west.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.125(C) establishes that:

"Commercial radio, cellular/communication and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line."; and,

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

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

NOW THEREFORE BE IT RESOLVED THAT _____ motioned to **approve/deny** the request to variance the height and setback requirements to allow for a cellular/communication tower to be located on a lot. Variance request is for a 190' tower height with a 152.4' setback to east lot line and a 47.6' setback to the south and west. The motion was seconded by _____ and the request was **approved/denied** with a vote of _____ as recorded below.

	Aye	Nay	Abstain	Absent
Mrs. Rebecca Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Pat Jenkins	<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"/>
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"/>

RESOLUTION No. BZA 06-10

WHEREAS, Ed Block, agent for AT&T Mobility, on behalf of Doug Knouff, Gerhart Wholesale, owner of the subject parcel in the City of Piqua, Ohio, being in a district zoned 1-1 (light industrial), has filed a request for a parking variance to allow the change from asphalt to gravel in the private utility lot located at 1703 Commerce Drive, Piqua, Ohio.

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

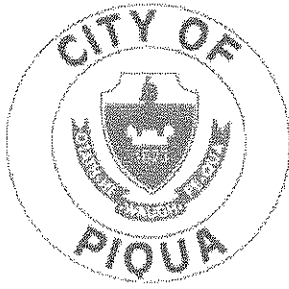
154.081 GENERAL REGULATIONS

(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 1703 Commerce Drive.

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"/>



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: February 11, 2010
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner
Subject: BZA Resolution 05-10 and 06-10

GENERAL INFORMATION

Applicant: Ed Block of GPD Associates
Owner: Gerhardt Wholesale
Location: 1703 Commerce Drive
Zoning: I-1 (Light Industrial)
Land Use
Existing: Garden Supply Stores, Parking Lot, Loading and un-loading facility
Proposed: Garden Supply Stores, Parking Lot, Loading and un-loading facility;
Cellular/communications tower
Request: To variance section 154.125(C) of the zoning code to allow a setback of less than the dimension equal to the height of the tower as measured from the center of the base of the tower to the east and west property lines; and, to variance section 154.081(J) of the zoning code to allow a parking area with a gravel surface.

DISCUSSION/FINDINGS

Section 154.125(C) requires a cellular/communications tower to be centrally located on a lot with a minimum setback dimension to the property lines equaling the height of the tower. The information provided by the applicant indicates that the proposed cellular/communications tower height will be 190 feet and situated to the rear of the subject tract, behind the nursery buildings and removed from the public right of way. The proposed setbacks of the tower will be 47.6 feet to the west and south lot lines and 152.4 to the east lot line. The setback to the north lot line will exceed the height of the tower. The tower will be situated in the center of a 100 foot by 100 foot "compound" enclosed by a 6 foot high chain link fence. Inside the compound there will be a small building for the placement of radio equipment and utility connections incidental to the cell tower operation. The entire area inside the fenced in compound will include a gravel surface. The tower itself will be a monopole type assembly and initially include one provider antenna at the top of the structure. Up to three additional antennas could potentially be installed at this location in the future.

STAFF REPORT

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Subject: BZA Resolution 05-10 and 06-10

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The proposed improvements also include:

- Installation of screening slats in the proposed fence to mitigate the view of the gravel surface and accessory building inside of the cell tower compound and barb wire at the top of the fence to discourage trespassing.
- Installation of fast growing pyramidal shaped trees around the perimeter of the compound to soften the aesthetic impact of the cell tower improvements and to screen the improvements from view from surrounding properties.
- Installation of Autumn Blaze maple trees along east lot line to buffer the adjacent retail sales and service uses and the Sunset Drive public right of way.
- Replacement of the majority of the existing gravel pavement with asphalt pavement resulting in significant reduction in existing nonstandard conditions at this location.

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.

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

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

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

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

Staff Analysis: This request to variance the strict application of the code to allow a reduction in the required setback is driven by the applicant's desire to construct a tower to a height they have determined necessary to service the customers in this area. The peculiar exceptions and unusual circumstances in this case relate to the lack of available lots within the industrial zoning districts where cell towers are permitted that have width and depth dimensions that will allow for conformance with the setbacks required for an ordinary and typical cell tower.

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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: The proposed use is subject to the review and approval of the Planning Commission as a special use in this zoning district. Consideration of the impact the proposed use will have on property values, and the public health, safety, comfort, morals, and welfare of the community, are the very focus of the special use process.

CONCLUSION

- The conditions necessitating the variances being requested are not the result of unique and peculiar circumstances found at this location, rather are the result of the lot characteristics commonly found in the zoning districts in which the subject use is permissible. Therefore, it is staff's conclusion that authorizing the variance:
- Is necessary to allow the owner a reasonable use of the property; and,
- Will not result in a substantial deviation from the code requirements; and,

STAFF REPORT

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- Will not allow improvements that will substantially alter the character of the neighborhood or be a detriment to the adjoining properties; and,
- Will not adversely affect the delivery of government services; and,
- Will not relieve the property owner from conforming to all other applicable standards; and,
- Will solve a problem that can not be remedied by other means; and,
- Will 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** the requested variance with the condition that the improvements be completed in accordance with the plans submitted and referenced as part of this request.

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME ED BLOCK - AGENT FOR AT&T MOBILITY
APPLICANT ADDRESS CPD ASSOC. 520 S. MAIN ST. SUITE 2531
CITY AKRON STATE OH ZIP 44311
PHONE (330) 572-2192
LEGAL INTEREST OF APPLICANT LEASE

OWNER NAME DOUG KNOWFF
BUSINESS NAME GERHART WHOLESALE
OWNER ADDRESS 1703 COMMERCE DRIVE
CITY PIQUA STATE OH ZIP 45356
PHONE (937) 773-7673

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1703 COMMERCE DRIVE
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER N44-100980 ZONING DESIGNATION 1-1 INDUSTRIAL
PT. OL. 313, LOT 10-150, LOT 21-74

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

-CHECK ALL BOXES THAT APPLY-

- | | |
|--|---|
| <input type="checkbox"/> ZONING ENFORCEMENT APPEAL | <input type="checkbox"/> AREA VARIANCE |
| <input type="checkbox"/> SPECIAL DRIVEWAY | <input type="checkbox"/> PARKING VARIANCE |
| <input checked="" type="checkbox"/> HEIGHT VARIANCE | <input type="checkbox"/> ZONING MAP BOUNDARY LINE |
| <input checked="" type="checkbox"/> SETBACK VARIANCE | <input type="checkbox"/> OTHER |

BRIEFLY DESCRIBE VARIANCE REQUEST 190' TOWER NEEDED FOR COVERAGE.
NEED 148' VARIANCE WEST & SOUTH & 38' EAST

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.

X SIGNATURE OF OWNER [Signature] DATE 1-25-10
SIGNATURE OF APPLICANT [Signature] DATE 1-26-10

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. Lool

RECEIPT No. - 186379 DATE - 1-28-10



GPD ASSOCIATES
Engineers . Architects . Planners

2009249.39
January 26, 2010

The City of Piqua
210 West Water Street
Piqua OH 45356
Attn: Christopher Schmiesing
Planning and Zoning Supervisor

**RE: AT&T Cell Site (DAY2363 Piqua West)
1703 Commerce Drive, Piqua Ohio 45356
Zoning Submittal**

Dear Mr. Schmiesing,

AT&T Mobility, is proposing to build a telecommunication site on the property (address listed above) to provide seamless wireless coverage on the west side of Piqua. A monopole style tower of with a height of 190 feet is necessary to provide the best coverage for the area as well as allowing room for three (3) future carriers. A 100' x 100' lease area with a buffered, fenced compound will provide sufficient room for AT&T's unmanned, radio equipment shelter (11'-5"x 20' x 10' high) plus three (3) future carrier's shelters of equal or larger size.

As part of our submittal please note the following:

1. Ameritech Wireless Communications, now Cingular Wireless, dba AT&T Mobility, has Public Utility status (copy enclosed).
2. **The project will meet FCC emission standards.** - This site will be a 190' Monopole. By definition there will be no emissions exceeding the FCC maximum exposure limits due to the height of the transmit antennas. (RF Emissions checklist enclosed).
3. **Unique topographical features of the proposed parcel.** - Currently we have existing sites East and South of Piqua. This results in poor in building coverage on the W-NW part of Piqua. Also, the Great Miami River runs through Piqua which presents coverage problems due to elevation changes in this area. The proposed site location is on the West part of Piqua on a high elevation which helps with coverage. Also this location was chosen because it was located in an Industrial area of Piqua thus minimizing residential impact.
4. **Map showing existing gap in AT&T network coverage of this area versus the wireless receiving and transmitting coverage area of the proposed facility.** - See attached Coverage spreadsheets with maps.
5. **Radio frequency engineer's findings concerning minimum service requirements, optimum location, and minimum pole height necessary to remedy existing service deficiencies.** - Originally this site was targeted for 150' Monopole. When this height was analyzed it was shown from the propagation plots that the 190' CL gives us better coverage in the low elevation areas of Piqua and to the north. This higher center line will also help with our hand off out of Piqua to surrounding communities. The 190' monopole also gives others better Co-location opportunities but still is below the maximum height that would require it to have a beacon light for FAA purposes.

Enclosed please find the above listed information along with the following:

- Site and elevation plans (10 sets)
- Owner and Applicant signed BZA and Special Use forms
- Two checks in the amount of \$25.00 & \$100.00 for the application fees.

Please call with any questions, or if any additional information is needed, at (330) 572-2192.

Sincerely,

GPD Associates



Edward A. Block, P.E

RECEIVED

APR 10 2008
CITY OF PIQUA
DEVELOPMENT OFFICE

RECEIVED

PUBLIC UTILITIES COMMISSION OF OHIO

SEP 23 1997

Certificate of Public Convenience and Necessity

REGULATORY AFFAIRS

Certificate Number:

90-5354

Issued Pursuant to Case Number(s):

97-823-CT-ACE

A Certificate of Public Convenience and Necessity to provide competitive telecommunication services in the State of Ohio pursuant to its tariff filed in Case No. 90-5354-CT-TRF is hereby granted to AMERITECH WIRELESS COMMUNICATIONS INC. DBA AMERITECH CELLULAR SERVICES, whose office or principal place of business is located at 2000 W. AMERITECH CENTER DRIVE #3H89D, HOFFMAN ESTATES, ILLINOIS 60195-5000.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: Sept. 15, 1997



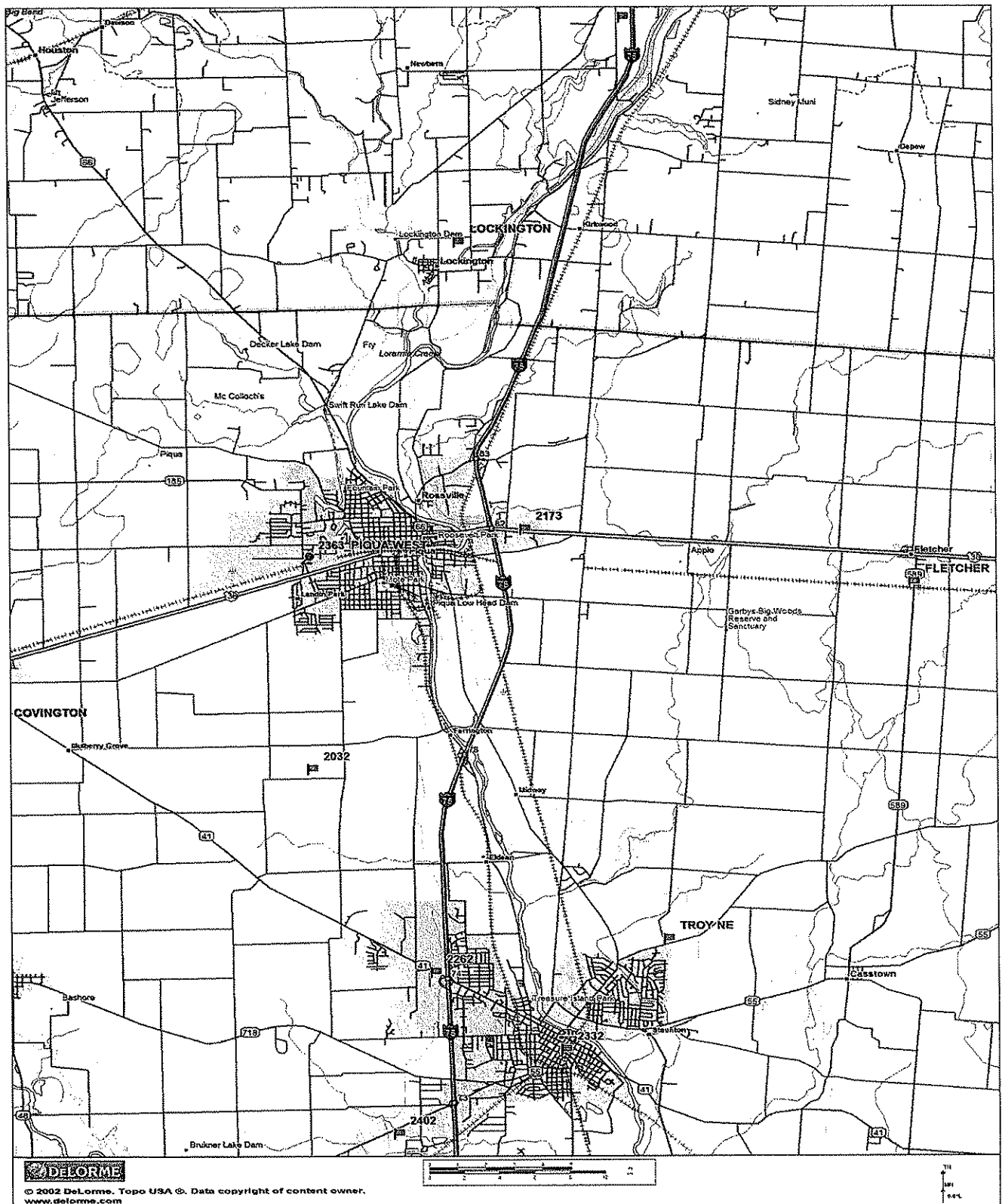
By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Daisy L. Crockron

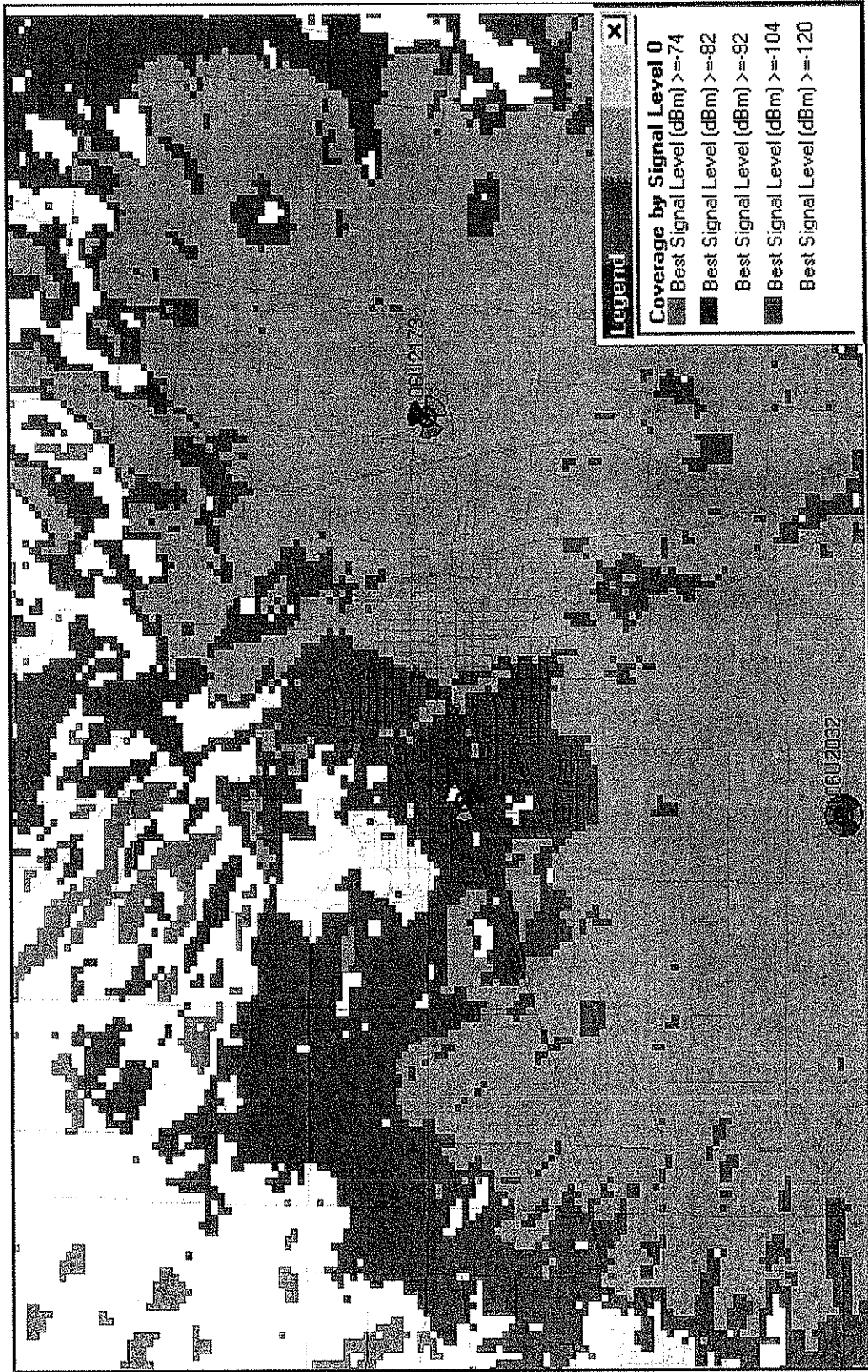
Gary E. Vigorito, Secretary

Daisy L. Crockron, Acting Secretary

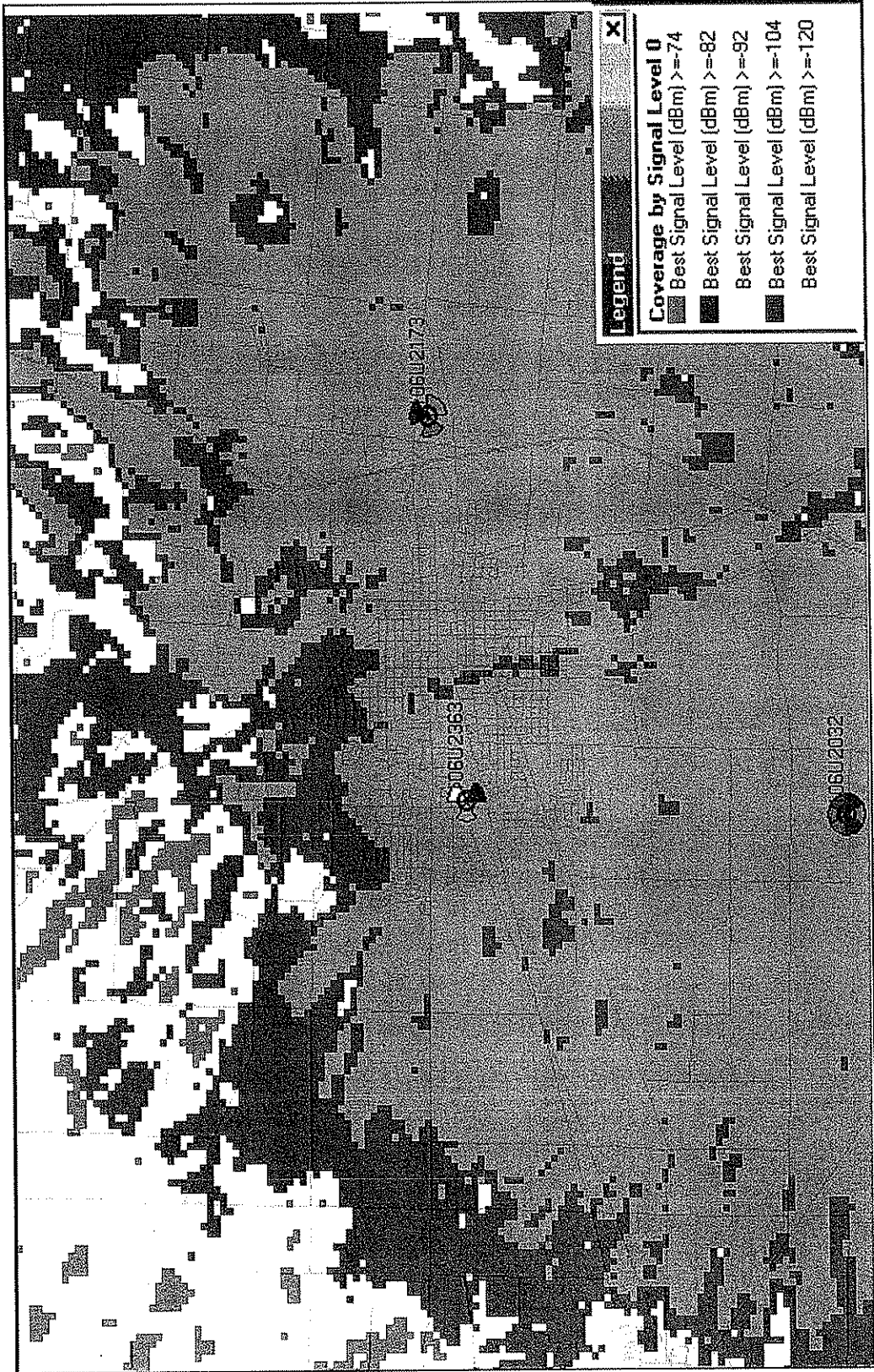


CLOSEST EXISTING SITES

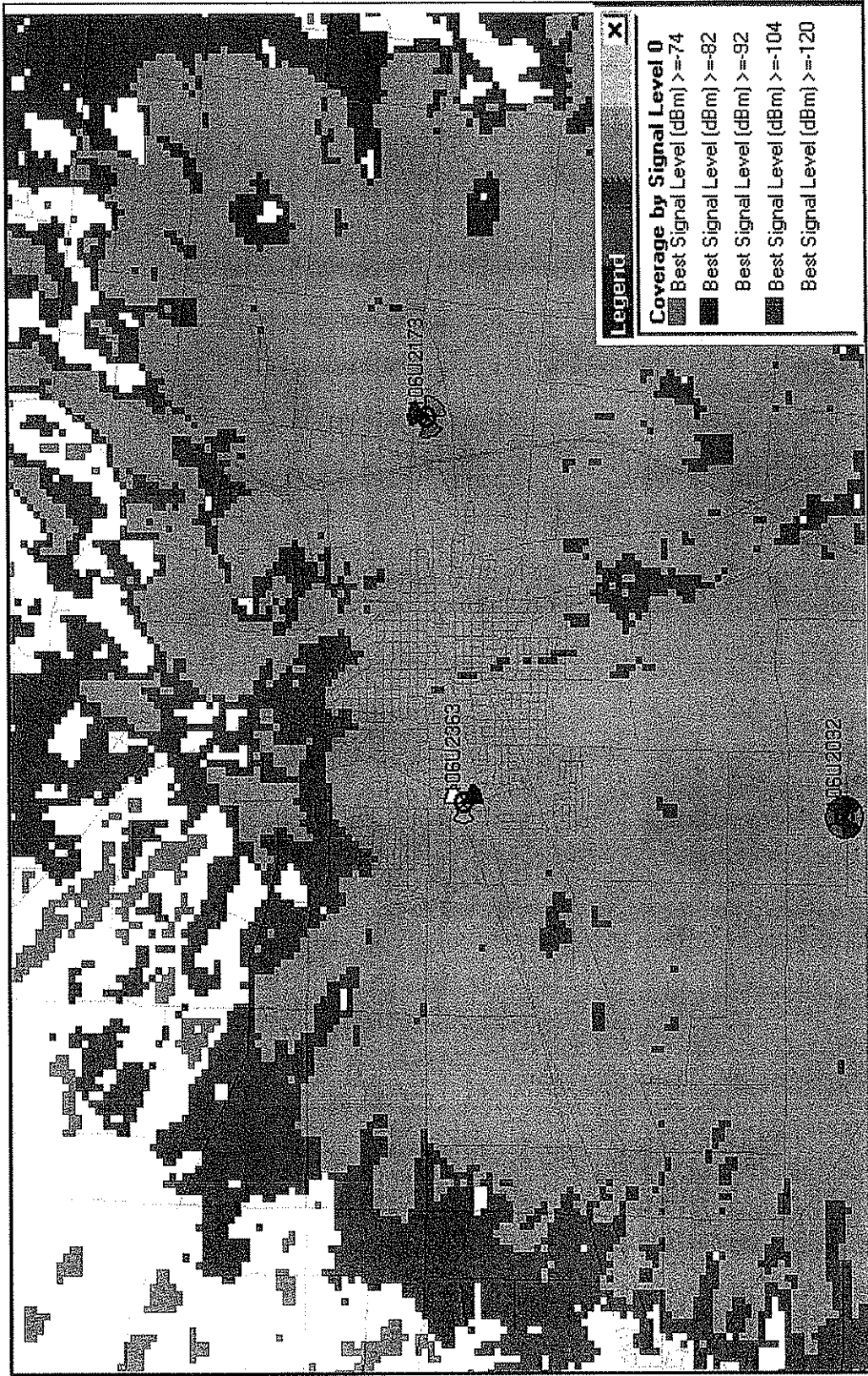
2173	DT PIQUA	-84.21297	40.14931	STATE ROU PIQUA	OH	45356
2032	PIQUA	-84.2682	40.09681	3455 WASHI COVINGTON	OH	49318



EXISTING COVERAGE



PROPOSED COVERAGE WITH A 150' TOWER



PROPOSED COVERAGE WITH A 190' TOWER

Checklist for Local Government To Determine Whether a Facility is Categorically Excluded

(Taken from the FCC's "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance")

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluation any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator's Legal Name: AT&T Mobility
2. Facility Operator's Mailing Address: 485 Metro Place South, Dublin, OH 43017
3. Facility Operator's Contact Name/Title: Gale Hirst / RF Engineer
4. Facility Operator's Office Telephone: (614) 530-1056
5. Facility Operator's Fax: _____
6. Facility Name: DAY-2363, AAVC, PIQUA WEST
7. Facility Address: _____
8. Facility City/Community: Piqua
9. Facility State and Zip Code: Miami County, OH 45356

EVALUATION OF CATEGORICAL EXCLUSION

- 10. Licensed Radio Service (see attached Table 1): Cellular Radiotelephone Service
- 11. Structure Type (free-standing or building/roof-mounted): free-standing
- 12. Antenna Type [omni-directional or directional (includes sectored)]: directional
- 13. Height above ground of the lowest point of the antenna (in meters): 57.91 (Proposed)
- 14. Check if all of the following are true:
 - (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 10).
 - (b) This facility will not be mounted on a building (see question 11).
 - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 13).

If box 14 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 14 is not checked and the facility is not mounted on a building, continue to question 15.

- 15. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: EIRP = (1.64) X ERP): _____
- 16. Enter the total number of channels if this will be an omni-directional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: _____
- 17. Enter the ERP or EIRP per channel (using the same units as in question 17): _____
- 18. Multiply answer 16 by answer 17: _____
- 19. Is the answer to question 18 less than or equal to the value from question 15 (yes or no)?

If the answer to question 19 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 19 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

All information set forth is true, accurate, and complete

Signed: Gale K. Hurst

Date: 1/26/10

Title: RF Engineer

GENERAL WARRANTY DEED ¹⁰⁷ ⁸³⁴ ⁸³⁴ - O.R.C. Section 5307.051
 Know all men by these presents
 Gerhart Wholesale Distributors, Inc., a corporation
 incorporated under the laws of the state of Ohio, Grantor, of Miami
 County, Ohio, grants with general warranty covenants to Douglas L.
 Knouff (an undivided 51% interest) and Cathryn A. Knouff (an
 undivided 49% interest), husband and wife, for their joint lives,
 remainder to the survivor of them, whose tax-mailing address is 10
 Orchard, Piqua, Ohio 45356, the following real property:

Situata in the city of Piqua, County of Miami and State
 of Ohio, to-wit:
 being a 3.811-acre tract, Part Outlet 313, in the City of
 Piqua, Ohio, and other bounded and described as
 follows: Beginning at the corner of Outlet 313
 and on the west right-of-way line of James Driver thence
 South 68 deg. 44' 00" East for 150.00 feet to an iron pin
 marking the true place of beginning; thence continuing
 South 68 deg. 44' 00" East for 210.14 ft. to an iron pin
 iron pin set; thence North 03 deg. 23' 00" West for
 687.98 ft. to an iron pin found; thence South 83 deg.
 00' East for 200.00 feet to a point; thence South 83 deg.
 23' 00" East for 688.45 ft. to the iron pin marking the
 true place of beginning. Containing a total of 3.811-acres and
 subject to all legal encumbrances, rights-of-way and
 restrictions of record.
 According to a survey performed by Michael R. Coxart,
 Professional Surveyor No. 401, 615 East Dakota Street,
 Troy, Ohio 45373, according to a survey filed in Vol. 30,
 Page 144 and Vol. 10, Page 158 of the Miami County
 Engineer's Record of Lot Surveys.

SAVING AND EXCEPTING the taxes and assessments due and
 payable in June, 1997, and thereafter, all of which the
 grantee herein assumes and agrees to pay. The grantee
 also agrees to accept the property subject to all
 encumbrances, restrictions and covenants of record.

Prior instrument reference: Volume 664, Page 861, of the Deed
 Records of Miami County, Ohio.

In Witness Whereof, the said Gerhart Wholesale Distributors,
 Inc. by Douglas L. Knouff, its President/treasurer, and Cathryn A.
 Knouff, its Vice President/secretary, has hereunto set its hand
 this 19th day of June, 1997.

SIGNED IN THE PRESENCE OF:
 [Signature] ^{1st Vice President/Treas.}
 [Signature] ^{2nd Vice President/Secretary}
 Gerhart Wholesale Distributors, Inc.
 Douglas L. Knouff, President/Treasurer
 Cathryn A. Knouff, Vice President/Secretary

TRANSFERRED
 BY [Signature]
 JUN 20 1997
 Tol. Fr. 51/100
 076 310 51
 580 322 02
 Deane

DEPARTMENT OF REVENUE
 MIAMI COUNTY
 JUN 20 1997

STATE OF OHIO, COUNTY OF MIAMI, SS:

Before me, a Notary Public in and for said County and State, personally appeared the undersigned, Douglas L. Knorr, its President, and Kathryn A. Knorr, its Vice President/Secretary, who acknowledged that they did sign the foregoing instrument and that the same was read from act and deed of said corporation and the true act and deed of themselves as such officers.

Witness my official signature and seal this 23rd day of June, 1997.



Notary Public - State of Ohio
My Comm. Exp: 12/31/99

THIS INSTRUMENT PREPARED BY Dale G. Davin, of McChesney, Peigar, Yins & Gutmann Co., LPA, Attorneys at Law, Piquet, OHIO.

2021 RECEIVED JUN 23 1997 11:00 AM

219457

TO

McChesney Peigar Yins & Gutmann Co., LPA
ATTORNEYS AT LAW
10000 W. STATE ST.
PIQUET, OHIO 45359

Data For Parcel N44-100580

Base Land Valuation Sales Sketch Tax Improvements Additions Residential Agricultural Commercial Comments

Base Data

Parcel: N44-100580
 Owner: KNOUFF DOUGLAS L & CATHRYN A
 Address: 1703 COMMERCE DR



Tax Mailing Address

Tax Mailing Name: KNOUFF DOUGLAS L
 Address: PO BOX 1674
 City State Zip: PIQUA OH 45356

Owner Address

Owner Name: KNOUFF DOUGLAS L
 Address: 1703 COMMERCE DR
 City State Zip: PIQUA OH 45356

Geographic

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

Legal

Legal Acres:	3.011	Homestead Reduction:	NO
Legal Description:	OUT LOT 313 N44-255750 ABATE TY 1997 EXP TY 2011	2.5% Reduction	NO
Land Use:	399 - OTHER INDUSTRIAL STRUCTURES	Foreclosure:	NA
Neighborhood:	02100	Board of Revision:	NO
Number Of Cards:	1	New Construction:	NA
Annual Tax (Does not include delinquencies.):	\$1,640.88	Divided Property:	NA
Map Number:	080513.3-02-005-00	Routing Number:	080513.3-02-005-00

Notes

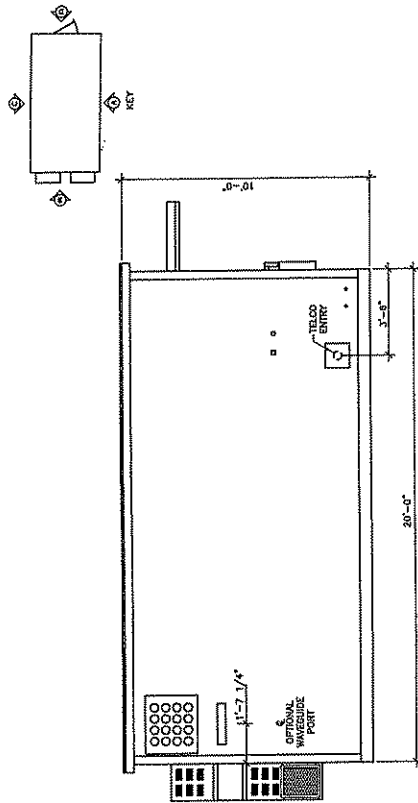
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Copyright ©2007 Digital Data Technologies, Inc.
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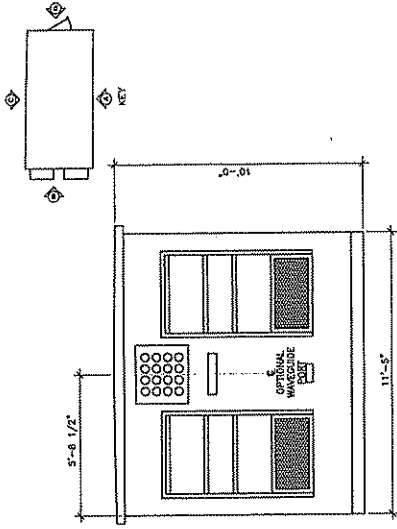
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11/2/2009

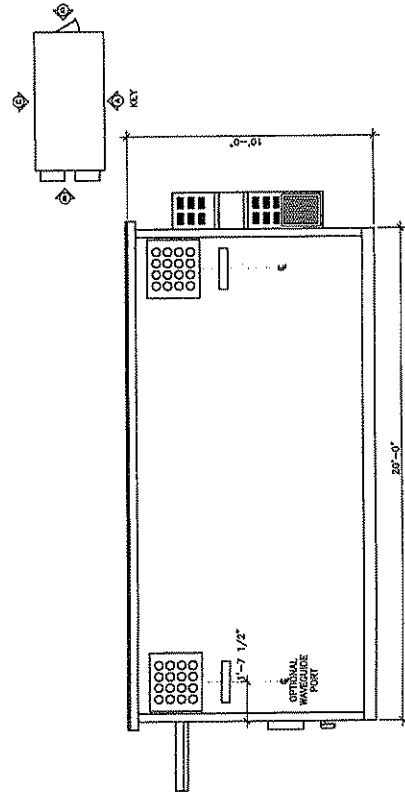
Tax Documentation



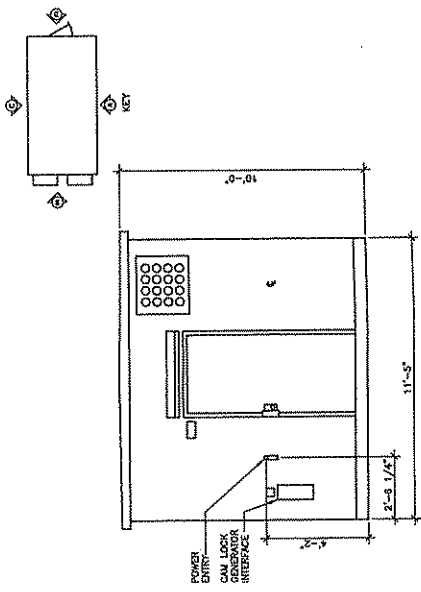
FIBREBOND BUILDING ELEVATION 'A'
SCALE: N. T. S.



FIBREBOND BUILDING ELEVATION 'B'
SCALE: N. T. S.



FIBREBOND BUILDING ELEVATION 'C'
SCALE: N. T. S.



FIBREBOND BUILDING ELEVATION 'D'
SCALE: N. T. S.

GPD JOB #2008248.39

AT&T Mobility

SHELTER ELEVATIONS
DRAWING NUMBER: DAY2363-06

NO.	DATE	REVISIONS	BY	CHK	APP
A	01/27/06	PRELIMINARY PANS ISSUED FOR REVIEW	BB	LD	BB
DESIGNED BY: BB			DRAWN BY: BB		
DRAWN DATE: 12/29/04					
SCALE: AS SHOWN					

DAY2363
PIQUA WEST
1703 COMMERCE DRIVE
PIQUA, OHIO 45356

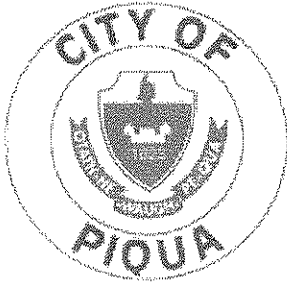
CLAUS PYLE SCHOMER BURNS & DEHAVEN INC.
GPD ASSOCIATES
300 South Main Street, Suite 331, Maumee, Ohio 44831
330-872-2100, Fax: 330-872-2101

BLACK & VEATCH
485 METRO PLACE SOUTH
SUITE 500
DUBLIN, OHIO 43017



FEBRUARY 16, 2010
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 05/06-10	ED BLOCK ✓	520 S MAIN STREET, SUITE 2531	AKRON OH 44311
BZA 05/06-10	DOUG KNOUFF	1703 COMMERCE DRIVE	PIQUA OH 45356
BZA 05/06-10	SUNSET COMMERCE HOLDINGS	122 N JEFFERSON ST	DAYTON OH 45402
BZA 05/06-10	FOUREMAN DOUGLAS W & JACQUELINE R	1702 COMMERCE DRIVE	PIQUA OH 45356
BZA 05/06-10	HUFFORD BOBBIE	147 N SUNSET DRIVE	PIQUA OH 45356
BZA 05/06-10	POWERS FRED A & DANA	207 PETERS DRIVE	PIQUA OH 45356
BZA 05/06-10	SPRUANCE JOHN T & LISA	205 PETERS DRIVE	PIQUA OH 45356
BZA 05/06-10	LAVY JANE E	1708 COMMERCE DRIVE	PIQUA OH 45356
BZA 05/06-10	PRINTZ JAMES A	4600 MIAMI-SHELBY RD	PIQUA OH 45356
BZA 05/06-10	SHERRY MARC P	1808 CARLYLE DR	PIQUA OH 45356
BZA 05/06-10	MED-TERRA INC	3130 N CO 25A RD	TROY OH 45373
BZA 05/06-10	KENDALL DAVID W	110 JANET DRIVE	PIQUA OH 45356
BZA 05/06-10	BROWN STEVEN R	122 N SUNSET DRIVE	PIQUA OH 45356
BZA 05/06-10	GANGER WILLIAM M & BERTHA I	108 JANET DRIVE	PIQUA OH 45356
BZA 05/06-10	A & A LTD	1711 COMMERCE DRIVE	PIQUA OH 45356
BZA 05/06-10	CORNELIUS NANCY B (TOD)	P.O.BOX 730	PIQUA OH 45356
BZA 05/06-10	LEBOEUF MARTIN G (LC) @(3)	P O BOX 1674	PIQUA OH 45356
BZA 05/06-10	EUBA REAL ESTATE CORP	838 ELDEAN RD	TROY OH 45373
BZA 05/06-10	PELLMAN WILMA L (LE) @(2)	106 JANET DR	PIQUA OH 45356
BZA 05/06-10	DRAPP BARBARA J	104 JANET DR	PIQUA OH 45356
BZA 05/06-10	KINSELLA ROBERT M	P.O.BOX 730	PIQUA OH 45356
BZA 05/06-10	FRAZIER STEVEN D	102 JANET DRIVE	PIQUA OH 45356
BZA 05/06-10	MILLER ROBERT J & BRANDON C	100 JANET DR	PIQUA OH 45356
BZA 05/06-10	HARTZELL PROPELLER INC	1 PROPELLER PL	PIQUA OH 45356
ENTIRE PACKET TO:			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	CHRIS BOEKE	INTER-OFFICE MAIL	
	DEVON ALEXANDER	INTER-OFFICE MAIL	
	STACY WALL	INTER-OFFICE MAIL	
	BOARD OF ZONING APPEALS	REGULAR MAIL	
E-MEETING NOTICE TO:			
	AMY WELKER	EMAIL	
	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	



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

February 12, 2010

*** MEETING NOTICE ***

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

TIME: 6:00 P.M.
DATE: Tuesday, February 23, 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.