

BOARD OF ZONING APPEALS AGENDA
ACTION SUMMARY
CITY OF PIQUA, OHIO
6:00 P.M. - APRIL 27, 2010
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

Steve Reindel
Rebecca Harrison
Mark Spoltman
Pat Jenkins
Jimmy Reedy

MEETING MINUTES

February 23, 2010

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 07-10

A request to variance the location requirements for a private garage accessory structure to be constructed on the property located at 1102 Rutland Drive, Piqua, Ohio.

2. Resolution BZA 08-10

A request to variance the area requirements for a private garage accessory structure to be constructed on the property located at 1102 Rutland Drive, Piqua, Ohio.

OTHER BUSINESS

ADJOURNMENT

RESOLUTION No. BZA 07-10

WHEREAS, Edward Baker, owner of 1102 Rutland Drive in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to variance the location requirements for a private garage accessory structure.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.121 (B)(1) establishes that:

§ ~~154.121~~ ACCESSORY BUILDINGS.

(B) Accessory buildings accessory to a residential use, including private garages permitted as a special use, shall conform to the following:

(1) Location.

(a) When the accessory building is accessory to a principal use, and is to be constructed on a lot contiguous to an improved public street, the accessory buildings shall only be permitted in the rear yard, unless attached to the principal structure by a breezeway or a similar unenclosed structure, in which case the accessory building may be permitted in a side or rear yard, subject to the applicable setback requirements.

(b) When the accessory building is not accessory to a principal use, and is to be constructed on a lot contiguous to an improved public street, the accessory building shall only be permitted in the required rear yard as established by the front, side and rear yard setback requirements applicable to the principal structure, subject to the applicable setback requirements.

(c) When the accessory building is not accessory to a principal use, and is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, the accessory building shall be permitted in any portion of the yard, subject to the applicable setback requirements.

WHEREAS, the location of proposed private garage accessory structure does not fall within a rear yard; 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.

RESOLUTION No. BZA 07-10

- 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 location requirements for a private garage accessory structure to be constructed on the property located at 1102 Rutland Drive, 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. 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"/>



PLANNING AND ZONING

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

STAFF REPORT

Date: April 15, 2010
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner
Subject: BZA Resolution 07-10

GENERAL INFORMATION

Applicant: Edward Baker
Owner: Edward Baker
Location: 1102 Rutland (vacant corner lot)
Zoning: R-1 (One Family Residential)
Land Use
Existing: Vacant
Proposed: Private Garage (replat with adjacent lot occupied by dwelling unit)
Request: To variance section 154.121 of the zoning code to allow a 1008 Square foot private garage in a front yard.

DISCUSSION/FINDINGS

Currently the subject property consists of 2 parcels, the 1102 Rutland property and the adjoining vacant corner lot. It is the property owner's intent to replat the subject parcels to combine them into one lot if the proposed improvements are authorized. The code provision pertaining to this variance request requires that the proposed private garage be located in a side or rear yard and not exceed 720 square feet in area. Because the subject location is a corner lot the property has two front yards by definition (each yard adjacent to a street frontage). Therefore the proposed private garage location is considered to be in a front yard even though it is located to the *side* of the house. While it is not shown on the drawing the owner states the driveway finish materials will be concrete or asphalt.

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

STAFF REPORT

Date: April 15, 2010
Subject: BZA Resolution 07-10

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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 proposed private garage location is by the unique and peculiar circumstance found at this location, said conditions including a double lot located at an intersection, a condition not typically found within the subject neighborhood.

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?

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

CONCLUSION

The conditions necessitating the location variance request are the result of unique and peculiar circumstances found at this location. Because this location is a double lot situated at an intersection it is unlike any other lot found in this subdivision. Even though the proposed private garage will be setback beyond the established front yard setback line along Dover Avenue the structure is in what is technically defined as a front yard. The propose location of the structure is consistent with the setbacks typically found within this neighborhood. 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 conditions** the requested variance, said conditions being as follows:

The two adjoining parcels known as 1102 Rutland will be replatted to be combined into one parcel.

STAFF REPORT

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Subject: BZA Resolution 07-10

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VICINITY MAP



RESOLUTION No. BZA 08-10

WHEREAS, Edward Baker, owner of 1102 Rutland Drive in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to variance the area requirements for a private garage accessory structure.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.121 (B)(1) establishes that:

§ **154.121** ACCESSORY BUILDINGS

(B) Accessory buildings accessory to a residential use, including private garages permitted as a special use, shall conform to the following:

(3) Area. An accessory building shall be permitted a ground floor level gross floor area up to 720 square feet and the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the gross floor area of the ground floor level of the principal structure to which it is accessory or 50% of the gross area of the rear yard; or, in the event there is no principal structure on the same lot, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots or 50% of the gross area of the rear yard, unless the accessory building is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, in which case, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots of 50% of the gross area of the subject lot.

WHEREAS, the proposed private garage accessory structure has an area of 1008 square feet; 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.

RESOLUTION No. BZA 08-10

- 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 area requirements for a private garage accessory structure to be constructed on the property located at 1102 Rutland Drive, Piqua, Ohio. The motion was seconded by _____ and the request was _____ ~~approved/denied~~ with a vote of ___ - ___ as recorded below.


LOCATION	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"/>



PLANNING AND ZONING

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E-Mail: cschmiesing@piquaoh.org

STAFF REPORT

Date: April 15, 2010
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner 
Subject: BZA Resolution 08-10

GENERAL INFORMATION

Applicant: Edward Baker
Owner: Edward Baker
Location: 1102 Rutland (vacant corner lot)
Zoning: R-1 (One Family Residential)
Land Use
Existing: Vacant
Proposed: Private Garage (replat with adjacent lot occupied by dwelling unit)
Request: To variance section 154.121 of the zoning code to allow a 1008 Square foot private garage in a front yard.

DISCUSSION/FINDINGS

Currently the subject property consists of 2 parcels, the 1102 Rutland property and the adjoining vacant corner lot. It is the property owner's intent to replat the subject parcels to combine them into one lot if the proposed improvements are authorized. The code provision pertaining to this variance request requires that the proposed private garage be located in a side or rear yard and not exceed 720 square feet in area. Because the subject location is a corner lot the property has two front yards by definition (each yard adjacent to a street frontage). Therefore the proposed private garage location is considered to be in a front yard even though it is located to the *side* of the house. While it is not shown on the drawing the owner states the driveway finish materials will be concrete or asphalt.

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.

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Date: April 15, 2010
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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 proposed private garage total area in excess of the code allowance is driven by the applicant's desire to have a structure of a certain size. Detached Private Garages of this size are not typically found within the subject neighborhood.

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?

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Date: April 15, 2010
Subject: BZA Resolution 08-10

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

CONCLUSION

The conditions necessitating the private garage area be in excess of the code allowance are not the result of unique and peculiar circumstances found at this location; rather the size of the structure is driven by the applicant's preference and little more. Detached private garages are the exception not the rule in this neighborhood and such a structure of the size proposed would be out of scale and inconsistent with the character with the improvements found within this neighborhood. It is staff's conclusion that it is not necessary to authorize the proposed variance to yield the property owner a reasonable use of the property; and that approval of the proposed variance would result in a substantial deviation from the code requirements; the proposed improvements would 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 for the reasons cited herein.

STAFF REPORT

Date: April 15, 2010
Subject: BZA Resolution 08-10

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VICINITY MAP



BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Edward Baker
APPLICANT ADDRESS 1102 Rutland Dr.
CITY Piqua STATE Oh ZIP 45356
PHONE (937) 773-9025
LEGAL INTEREST OF APPLICANT _____

OWNER NAME Edward Baker
BUSINESS NAME _____
OWNER ADDRESS 1102 Rutland Dr.
CITY Piqua STATE Oh ZIP 45356
PHONE (937) 773-9025

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS Dover Ave 1701
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER 7148 ZONING DESIGNATION _____

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

-CHECK ALL BOXES THAT APPLY-

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

BRIEFLY DESCRIBE VARIANCE REQUEST Permission to build a Garage on my corner 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 Edward Baker DATE 3-8-10

SIGNATURE OF APPLICANT Edward Baker DATE 3-8-10

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

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

\$25.00 FEE PAID - RECEIVED BY - Diana T

RECEIPT No. - 186400 DATE - 3-8-10

WEST

139.50' After re-plat

68.50'

29'

36'

15'

28'

Proposed
28' X 36'
Garage

Proposed
Driveway

28'

18'

27'

15'5"

Existing slab
used for
Baseball court

35'

26'

100'

Dover Ave

North

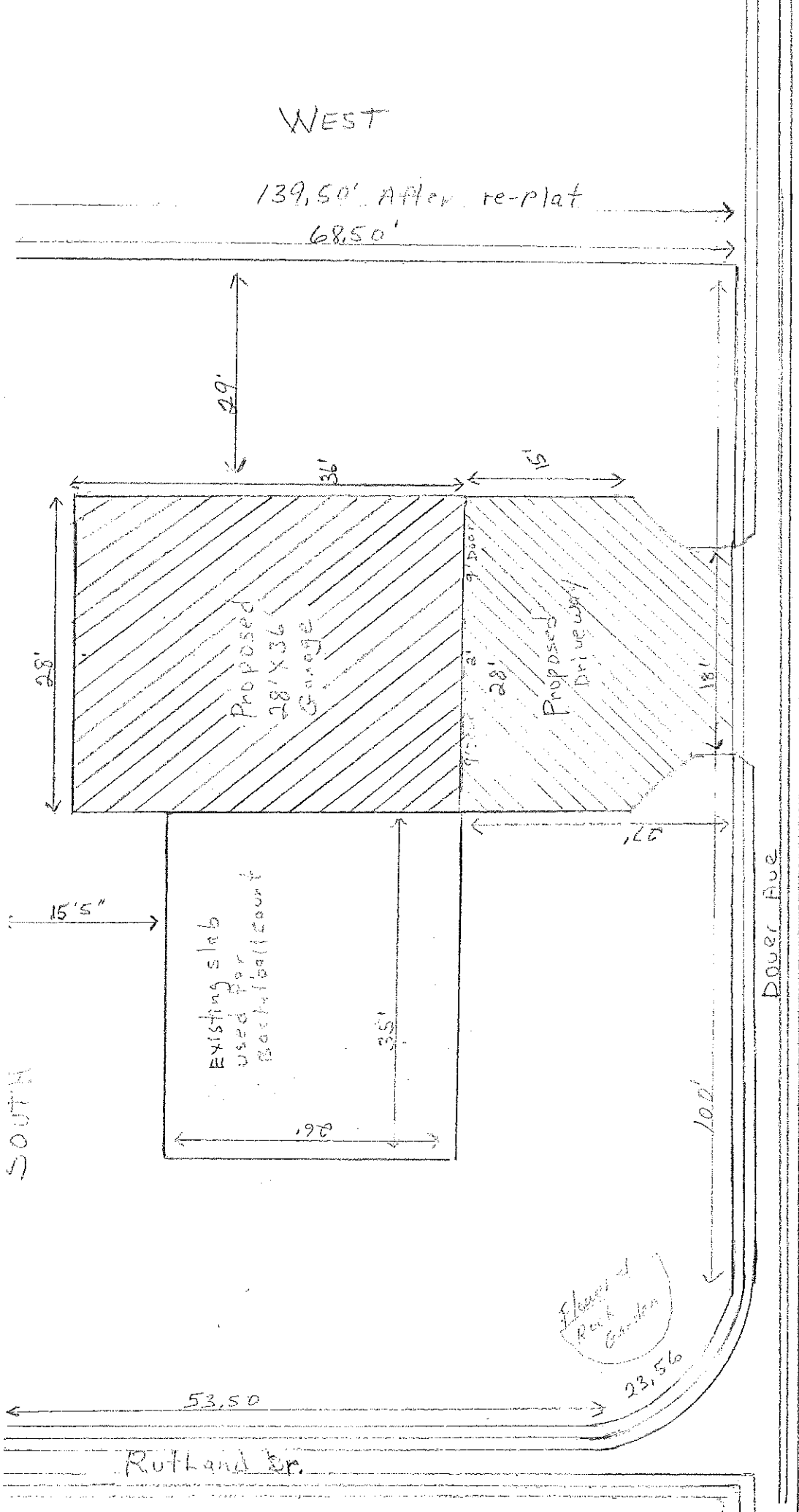
SOUTH

Survey of
Rock
Canton

23.56

53.50

Rutland Dr.



WEST

71'

NORTH

7'6"

Existing House
1102 Rutland Dr.

2'4"

Existing
Driveway

Rutland Drive

EAST

15'

15'

15'

WEST

71'

NORTH

Existing House
1102 Pulland Dr.

7'6"
↔

2'4"
↔

Existing
[unclear]

WEST

139.50' After re-plot

68.50'

29'

36'

15'

Proposed
28' X 36'
Garage

9' Door
at
28'

Proposed
Driveway

18'

27'

15' 5"

Existing slab
used for
Basketball court

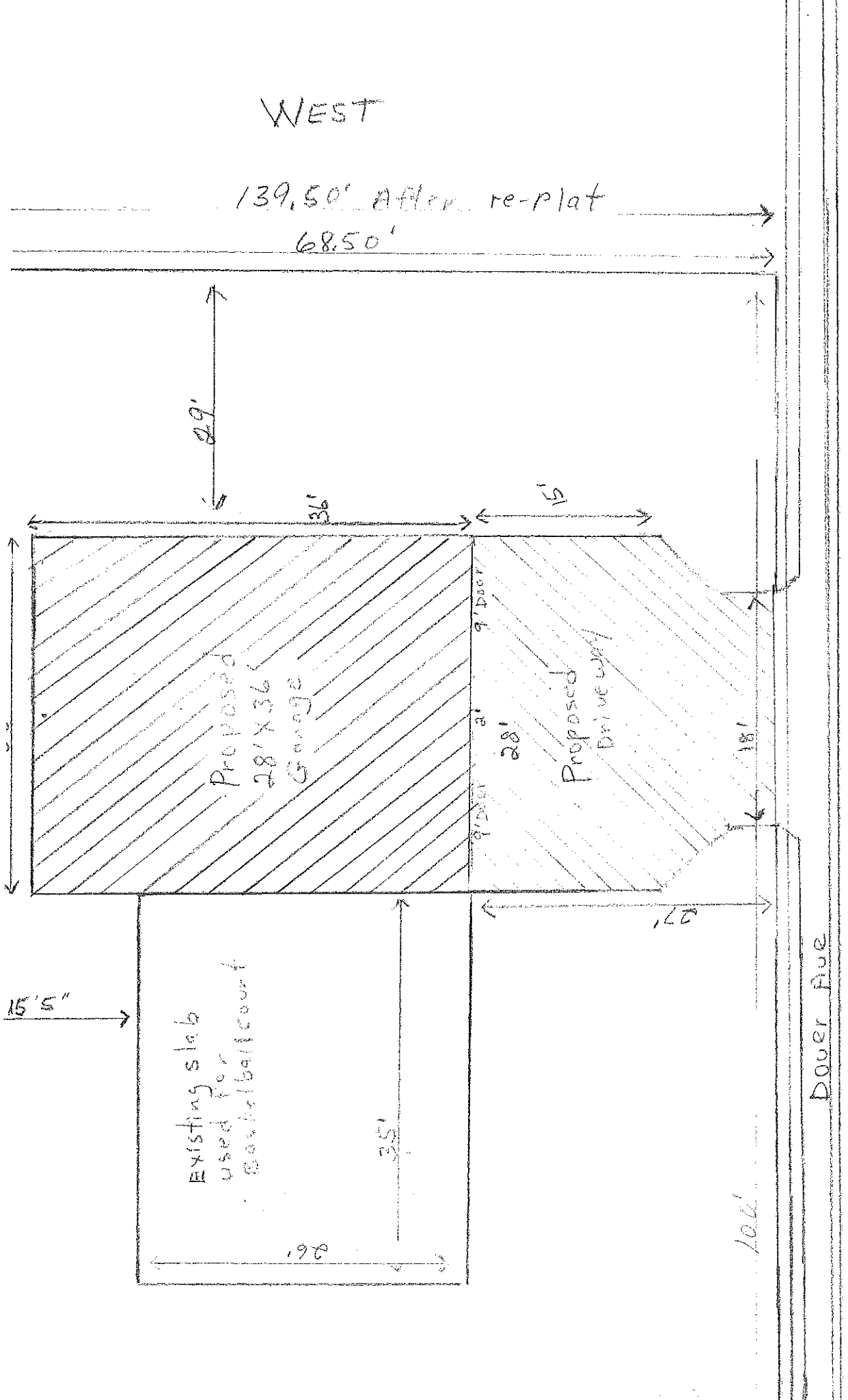
35'

26'

100'

Dover Ave

North



CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

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,
Rebecca Harrison, Vice Chair and Pat Jenkins,

Members Absent: Jimmie Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Gale Hirst, Jeff Thompson, AT&T, Ed Black, GPD Associates.

The Chair moved to excuse board member Jimmie Reedy.
Mr. Spoltman seconded the motion and all members were in agreement.

MEETING MINUTES

Mark Spoltman made a motion to approve the January 26, 2010 meeting minutes. The motion was seconded by Rebecca Harrison and all voted aye.

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.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Ed Block with GPD Associates on behalf of AT&T addressed the Board identifying his thoughts regarding the need for a tower in this location. Mr. Block indicated that currently, there are towers on the east and south side of Piqua. This results in poor "in building" coverage on the west-northwest part of the city. Also, the Great Miami River runs through Piqua which presents coverage problems due to elevation changes in this area. Mr. Block indicated the proposed site location is on the west part of Piqua on a high elevation which helps with coverage. He also indicated that this location was chosen because it was located in an industrial area of Piqua, this minimizing residential impact.

Mr. Block went on to explain that this site was targeted for a 150' monopole but when the height was analyzed it was shown from the propagation plots that the 190' CL gives better coverage in the low elevation areas of Piqua to the north. Mr. Block also indicated that the higher center line will help with our hand off out of Piqua to surrounding communities.

Mr. Block presented the Board a map to show the lot and location of the proposed tower. The site plan indicated that there will be a fence structure with screening to hide the equipment and trees will be planted as well. Basically, from the public standpoint, the base of the tower would be difficult to see.

An FAA study was presented indicating there is no hazard to air navigation and therefore, marking and lighting on the tower is not necessary.

Mr. Spoltman requested information regarding the overall area of the tower to which Mr. Block responded indicating the tower would accommodate the city, passing traffic and the wireless industry as well.

In response to Mr. Spoltman's question regarding surveying the existing sites, Mr. Block indicated that one site was eliminated because it was torn down and the others were too far away. He stated that the farther away we get from the downtown area, the less coverage would be. The proposed tower would provide the best coverage for the city and still be in an industrial area. Mr. Block was not aware of the tower on College.

Mr. Reindel indicated there is a newer tower in town and it is closer to the downtown area. Jeff Thompson with AT&T indicated that that tower was evaluated and it was determined to be too low.

Mr. Reindel indicated that at Hartzell, they do not have a problem with reception and wondered if the reason for a new tower was for

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

broadband issues. Mr. Thompson indicated that the purpose is for customer service. Mr. Block reviewed the maps showing existing coverage reviewing the poorer coverage area and the best coverage area.

Mr. Reindel expressed his concern regarding the safety aspect of the pole to which Mr. Block reiterated that the drawings presented are under state code of wind speeds to 100 mph and wind gusts of 90 mph. A company would come out and test the soil for stability and an 8' foot pole would go into the ground approximately 30-40 feet. Mr. Block also indicated that existing power lines are designed by the same standard.

Mr. Jenkins questioned why they would not consider the space just up the street where there is a new water tower. Mr. Block indicated the reason was that it was too far from town and not high enough.

Mr. Spoltman inquired as to other sites evaluated. Mr. Thompson indicated that AT&T had been working with the city staff and looked at 5 other locations and there were concerns by staff of the impact on residential areas. Mr. Block indicated that if they looked at other lots in this area there would be the same setback issues.

Mr. Schmiesing presented staff comments indicating there was a lengthy mailing list sent out regarding this issue and that he only received one phone call from Hartzell indicating they did not have any issue and would do their own checking with the FAA.

Mr. Schmiesing also indicated that he was approached last fall indicating they were looking at locations in the RM Davis water tower area, behind the new Kroger's, the area owned by the Blankenship family near Westview Drive and also the existing Sprint tower. At the end of discussions, it was determined this location was the best.

As to height v. power lines - the tower is subject to building requirements and they will have to satisfy the building code. A power pole is more likely to fail in a storm. The nature of the setback request is in effect a cause of the zoning conditions. BZA is to address the height and setback only. Staff does not think the reduction in the setback would cause harm to the residents in the surrounding area. The Planning Commission will address Special Use.

Mr. Schmiesing indicated that the only other stipulation that has been placed on cell tower installers in the past is that they agree to remove the structure at such time it is abandoned.

Public comment was opened and closed with no one stepping forward for comment.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Spoltman addressed his concern regarding abandonment and wanted to know if it was part of their standard agreement to which Mr. Block responded that the land lease covers that issue.

Mr. Spoltman asked what they considered an abandoned tower and it was discussed that if others come in and add towers, they would determine if they wanted to continue and may offer that tower to other companies for rent, etc. They would be willing to provide something to the city if so required.

Chris Schmiesing indicated that the city has used a period of 90 days in the past and it could be addressed by the Planning Commission.

Mark Spoltman indicated to Pat Jenkins that as a structural person, he had faith that the tower would handle wind at 90 mph. Mark also indicated that he spent a lot of time reviewing the area and felt that there is not a lot of area that would accommodate the setback requirements.

Motion made by Pat Jenkins to approve BZA 05-10.

Mark Spoltman commented in the staff report and in the presentation there was a list of improvements and wanted to know if the intent was to have these done as presented. The response was yes.

Mark Spoltman seconded the motion to approve BZA 05-10 and a vote was taken. All were in favor except Pat Jenkins who voted NO. **BZA 05-10 passed with a 3-1 vote.**

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.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating his recommendation for approval.

Mark Spoltman indicated he sees no reason to have asphalt in the lot. Mr. Reindel agreed. Mr. Spoltman indicated it is a low traffic area and not used by the public

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Rebecca Harrison made a motion to approve BZA 06-10. The motion was seconded by Mark Spoltman and all members were in favor of approval. **BA 06-10 was passed with a vote of 4-0.**

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

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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,
Rebecca Harrison, Vice Chair and Pat Jenkins,

Members Absent: Jimmie Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Gale Hirst, Jeff Thompson, AT&T, Ed Black, GPD
Associates.

The Chair moved to excuse board member Jimmie Reedy.
Mr. Spoltman seconded the motion and all members were in agreement.

MEETING MINUTES

Mark Spoltman made a motion to approve the January 26, 2010 meeting minutes. The motion was seconded by Rebecca Harrison and all voted aye.

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.

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TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Ed Block with GPD Associates on behalf of AT&T addressed the Board identifying his thoughts regarding the need for a tower in this location. Mr. Block indicated that currently, there are towers on the east and south side of Piqua. This results in poor "in building" coverage on the west-northwest part of the city. Also, the Great Miami River runs through Piqua which presents coverage problems due to elevation changes in this area. Mr. Block indicated the proposed site location is on the west part of Piqua on a high elevation which helps with coverage. He also indicated that this location was chosen because it was located in an industrial area of Piqua, this minimizing residential impact.

Mr. Block went on to explain that this site was targeted for a 150' monopole but when the height was analyzed it was shown from the propagation plots that the 190' CL gives better coverage in the low elevation areas of Piqua to the north. Mr. Block also indicated that the higher center line will help with our hand off out of Piqua to surrounding communities.

Mr. Block presented the Board a map to show the lot and location of the proposed tower. The site plan indicated that there will be a fence structure with screening to hide the equipment and trees will be planted as well. Basically, from the public standpoint, the base of the tower would be difficult to see.

An FAA study was presented indicating there is no hazard to air navigation and therefore, marking and lighting on the tower is not necessary.

Mr. Spoltman requested information regarding the overall area of the tower to which Mr. Block responded indicating the tower would accommodate the city, passing traffic and the wireless industry as well.

In response to Mr. Spoltman's question regarding surveying the existing sites, Mr. Block indicated that one site was eliminated because it was torn down and the others were too far away. He stated that the farther away we get from the downtown area, the less coverage would be. The proposed tower would provide the best coverage for the city and still be in an industrial area. Mr. Block was not aware of the tower on College.

Mr. Reindel indicated there is a newer tower in town and it is closer to the downtown area. Jeff Thompson with AT&T indicated that that tower was evaluated and it was determined to be too low.

Mr. Reindel indicated that at Hartzell, they do not have a problem with reception and wondered if the reason for a new tower was for

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MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

broadband issues. Mr. Thompson indicated that the purpose is for customer service. Mr. Block reviewed the maps showing existing coverage reviewing the poorer coverage area and the best coverage area.

Mr. Reindel expressed his concern regarding the safety aspect of the pole to which Mr. Block reiterated that the drawings presented are under state code of wind speeds to 100 mph and wind gusts of 90 mph. A company would come out and test the soil for stability and an 8' foot pole would go into the ground approximately 30-40 feet. Mr. Block also indicated that existing power lines are designed by the same standard.

Mr. Jenkins questioned why they would not consider the space just up the street where there is a new water tower. Mr. Block indicated the reason was that it was too far from town and not high enough.

Mr. Spoltman inquired as to other sites evaluated. Mr. Thompson indicated that AT&T had been working with the city staff and looked at 5 other locations and there were concerns by staff of the impact on residential areas. Mr. Block indicated that if they looked at other lots in this area there would be the same setback issues.

Mr. Schmiesing presented staff comments indicating there was a lengthy mailing list sent out regarding this issue and that he only received one phone call from Hartzell indicating they did not have any issue and would do their own checking with the FAA.

Mr. Schmiesing also indicated that he was approached last fall indicating they were looking at locations in the RM Davis water tower area, behind the new Kroger's, the area owned by the Blankenship family near Westview Drive and also the existing Sprint tower. At the end of discussions, it was determined this location was the best.

As to height v. power lines - the tower is subject to building requirements and they will have to satisfy the building code. A power pole is more likely to fail in a storm. The nature of the setback request is in effect a cause of the zoning conditions. BZA is to address the height and setback only. Staff does not think the reduction in the setback would cause harm to the residents in the surrounding area. The Planning Commission will address Special Use.

Mr. Schmiesing indicated that the only other stipulation that has been placed on cell tower installers in the past is that they agree to remove the structure at such time it is abandoned.

Public comment was opened and closed with no one stepping forward for comment.

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Mr. Spoltman addressed his concern regarding abandonment and wanted to know if it was part of their standard agreement to which Mr. Block responded that the land lease covers that issue.

Mr. Spoltman asked what they considered an abandoned tower and it was discussed that if others come in and add towers, they would determine if they wanted to continue and may offer that tower to other companies for rent, etc. They would be willing to provide something to the city if so required.

Chris Schmiesing indicated that the city has used a period of 90 days in the past and it could be addressed by the Planning Commission.

Mark Spoltman indicated to Pat Jenkins that as a structural person, he had faith that the tower would handle wind at 90 mph. Mark also indicated that he spent a lot of time reviewing the area and felt that there is not a lot of area that would accommodate the setback requirements.

Motion made by Pat Jenkins to approve BZA 05-10.

Mark Spoltman commented in the staff report and in the presentation there was a list of improvements and wanted to know if the intent was to have these done as presented. The response was yes.

Mark Spoltman seconded the motion to approve BZA 05-10 and a vote was taken. All were in favor except Pat Jenkins who voted NO. **BZA 05-10 passed with a 3-1 vote.**

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.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating his recommendation for approval.

Mark Spoltman indicated he sees no reason to have asphalt in the lot. Mr. Reindel agreed. Mr. Spoltman indicated it is a low traffic area and not used by the public

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
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MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Rebecca Harrison made a motion to approve BZA 06-10. The motion was seconded by Mark Spoltman and all members were in favor of approval. **BA 06-10 was passed with a vote of 4-0.**

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 Steve Reindel 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 requiring 143' variance west and south and 38' east.

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 Pat Jenkins motioned to approve 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 the east lot line and 47.6' setback to the south and west. The motion was seconded by Mark Spoltman and the request was **approved** with a vote of 3-1 as recorded below.

	Aye	Nay	Abstain	Absent
Mrs. Rebecca Harrison	✓	□	□	□
Mr. Pat Jenkins	□	✓	□	□
Mr. Jimmie Reedy	□	□	□	✓
Mr. Steve Reindel	✓	□	□	□
Mr. Mark Spoltman	✓	□	□	□

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.

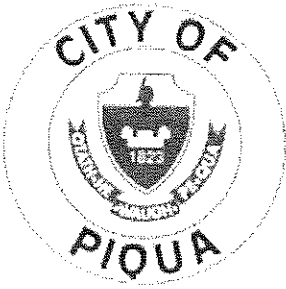
WHEREAS, the City of Piqua Zoning Code Section 154.081 J states:

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 for 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 Rebecca Harrison motioned to **approve** 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 Mark Spoltman and the request was **approved** with a vote of 4-0 as recorded below.

	Aye	Nay	Abstain	Absent
Mr. Jimmie Reedy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Rebecca Harrison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

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E-Mail: cschmiesing@piquaoh.org

April 16, 2010

MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD

*** 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, April 27, 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.

APRIL 27, 2010
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 07/08-10	ED BAKER	1102 RUTLAND DR	PIQUA OH 45356
BZA 07/08-10	FRANCIS M AND PATRICIA L MORROW	1703 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	MARYLIN S BLACK	1704 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	ROSEMARY KAUFFMAN	1702 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	JESUS E AND ANGELA R DORINGO	1700 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	VICTORIA L REYES	1614 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	ANTIONETTE H REYNOLDS	1612 DOVER AVE	PIQUA OH 45356
BZA 07/08-10	RANDY R AND MICHELLE L FISHER	1101 RUTLAND DR	PIQUA OH 45356
ENTIRE PACKET TO:			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	CHRIS BOEKE	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	