

BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - MAY 25, 2010
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

MEETING MINUTES

April 27, 2010

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 09-10

A request to variance the height requirements for a privacy fence on the property located at 1000 Boone St., Piqua, Ohio.

OTHER BUSINESS

Resignation of Board Member

ADJOURNMENT

RESOLUTION No. BZA 09-10

WHEREAS, Randy Howard, owner of 1000 Boone Street in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to variance the height requirement for a privacy fence located in a front yard; and,

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.123 (B) states:

§ 154.123 FENCES.

(B) Plantings, fences, and walls in front yard. No fence, wall, or hedge shall rise over 42 inches in height on any required front yard, except as otherwise provided in the lot and area requirements for specific districts. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The enforcing officer is empowered to cause all obstructions to be removed in the interest of public safety.

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 requirements for a privacy fence to be constructed on the property located at 1000 Boone Street, Piqua, Ohio. The motion was seconded by _____ and the request was approved/denied by voice vote of as recorded below.

LOCATION	AYE	NAY	ABSTAIN	ABSENT
Mr. Steve Reindel	<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. Mark Spoltman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Randy Howard
APPLICANT ADDRESS 1000 Boone St.
CITY Piqua STATE Ohio ZIP 45356
PHONE (937) 773-8894
LEGAL INTEREST OF APPLICANT _____

OWNER NAME Randy Howard
BUSINESS NAME 1000 Boone St.
OWNER ADDRESS 1000 Boone St.
CITY Piqua STATE Ohio ZIP 45356
PHONE (937) 773-8894

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1000 Boone St.
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER _____ ZONING DESIGNATION _____

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

-CHECK ALL BOXES THAT APPLY-

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

BRIEFLY DESCRIBE VARIANCE REQUEST requesting to put up 6' height privacy fence in rear of property in line with ^{front of} neighbors existing garage

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 Randy Howard DATE 4-30-10

SIGNATURE OF APPLICANT Randy Howard DATE 4-30-10

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

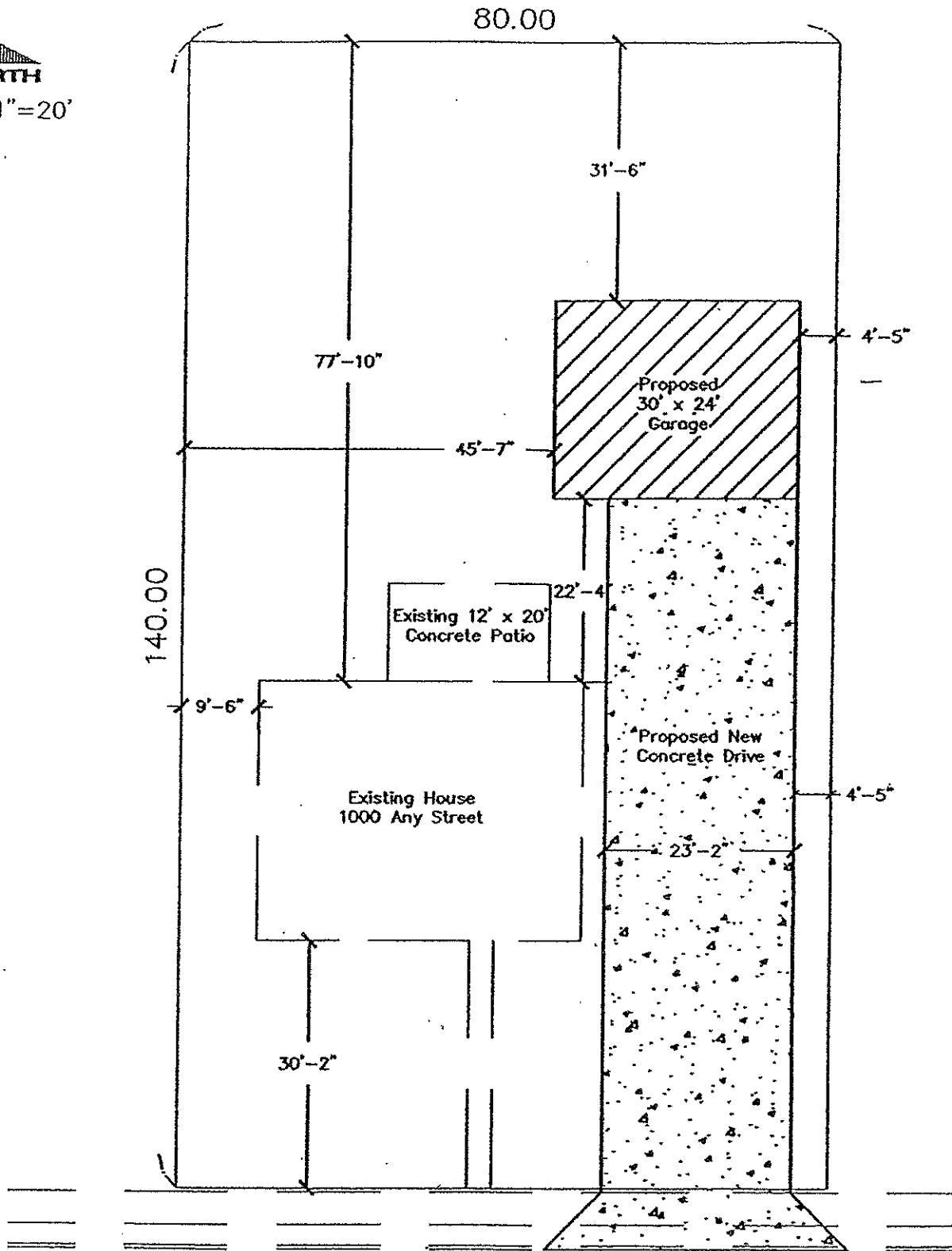
*****OFFICE USE ONLY*****

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

RECEIPT No. - 194829 DATE - 4-30-10



Scale 1"=20'



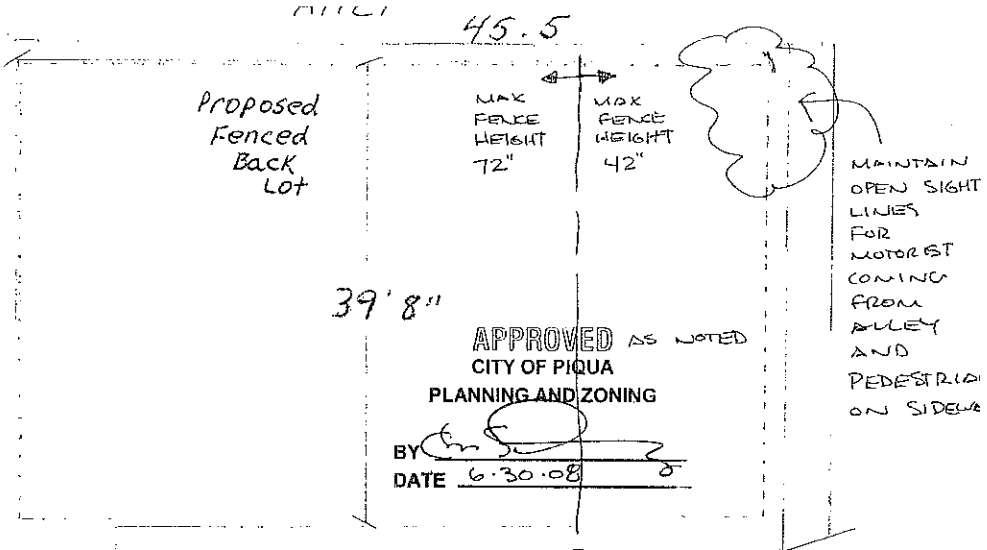
Any Street
50' Right of Way

- SAMPLE SITE PLAN -

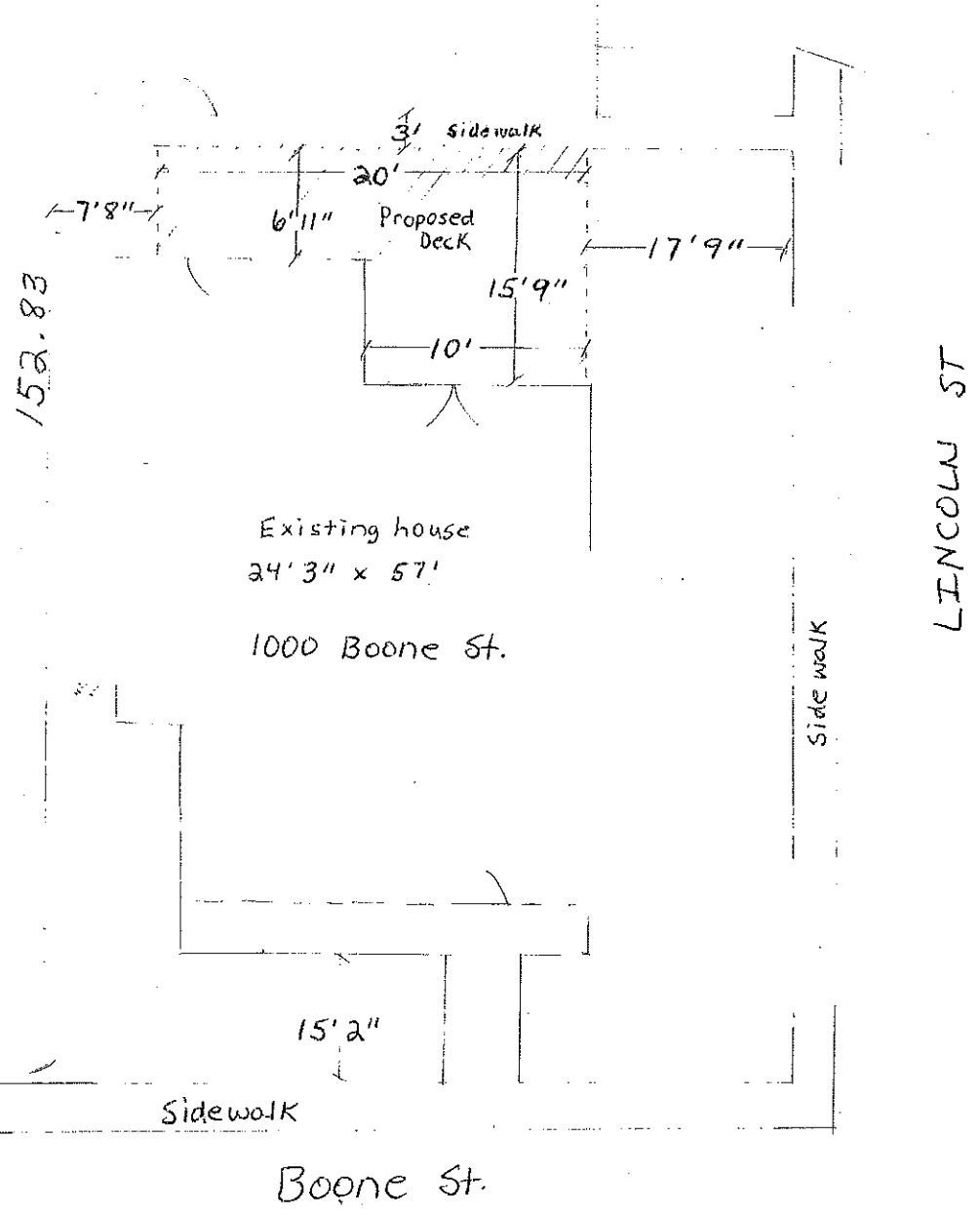


Lincoln Street

Boone Street



Existing garage
24' 8" x 30' 3"





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: May 13, 2010
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner
Subject: BZA Resolution 09-10

GENERAL INFORMATION

Applicant: Randy Howard
Owner: Randy Howard
Location: 1000 Boone Street
Zoning: R-1 (One Family Residential)
Land Use
Existing: One-family dwelling unit, private detached garage, yard
Proposed: One-family dwelling unit, private detached garage, yard, privacy fence
Request: To variance section 154.123 of the zoning code to allow 6 foot high privacy fence in a front yard.

DISCUSSION/FINDINGS

The subject property occupies a corner lot located at the northwest corner of Boone and Lincoln Street. While the front of house is oriented to Boone Street, by zoning definition the Lincoln Street frontage is also considered front yard. The applicant proposes to erect a 6 foot high privacy fence around the rear yard area to the north and west of the existing private garage and the fence would also extend into the Lincoln Street front yard area. The fence would be setback in line with the principal structure located to the north and would be approximately 6 feet behind the back of the public sidewalk.

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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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 fence height in excess of the code allowance is driven by the applicant's desire to fence in the maximum "rear yard area" possible. This condition is typical of what is found in this neighborhood and there are numerous examples of similar nonstandard conditions that exist near this location.

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 orientation of the improvements on this lot result in a yard area along the side street frontage that – while technically partly a front yard – functions as a rear yard to the principal structure. The proposed alignment of the privacy fence will keep the fence from interfering with pedestrian use of the public sidewalk and insure the fence will not be a sight obstruction to motorist entering or exiting the alley to the north, or the drive found at the subject property. Likewise, the proposed height and setback alignment will reinforce the established building line of the improvements found in this block. It is staff's conclusion that authorizing the proposed variance...

- will yield the property owner a reasonable use of the property
- will not result in a substantial deviation from the code requirements
- will not substantially alter the character of the neighborhood or be a detriment to the adjoining properties
- will not adversely affect the delivery of government services
- will not relieve the property owner from conforming to all other applicable standards
- will solve a problem that can not be remedied by other means
- 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.

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VICINITY MAP

