

BOARD OF ZONING APPEALS AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - JUNE 22, 2010
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

MEETING MINUTES

May 25, 2010

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 10-10 A Resolution nominating and electing the BZA Vice Chairperson for the remainder of the 2010 calendar year.
2. Resolution BZA 11-10 A request to variance the building separation setback requirements for an accessory building on the property located at 527 Cottage Avenue, Piqua, OH.

OTHER BUSINESS

No July, 2010 meeting

ADJOURNMENT

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MAY 25, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Chair, Steve 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: Chair, Steve Reindel, Mark Spoltman, and
Pat Jenkins

Members Absent: Vice Chair, Rebecca Harrison and Jimmy Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Randy Howard and Kathy Tidwell, 1000 Boone St.

A motion to excuse the absent Board members was made by Mark Spoltman and seconded by Pat Jenkins. All members present voted AYE and the motion carried with a vote of 3-0.

MEETING MINUTES

Mark Spoltman made a motion to approve the April 27, 2010 minutes. The motion was seconded by Pat Jenkins and all voted AYE and the motion was carried with a vote of 3-0.

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.

The Clerk read the Agenda item.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, MAY 25, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Schmiesing presented the Board with the staff's recommendation that the Board approve the requested variance stating:

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.

The applicant, Randy Howard indicated that Mr. Schmiesing had summarized what he wanted to do. He indicated his goal was to have a private backyard and this would allow that and still provide safety to those on the sidewalk.

Mr. Spoltman asked Mr. Howard to describe the construction he was proposing to which Mr. Howard responded that the fence would be solid wood and the boards would be on the outside. Mr. Spoltman inquired if there was a fence between the house and the garage currently on the property and Mr. Howard indicated there was not.

Mr. Jenkins indicated that he went out and looked at the site. Mr. Jenkins suggested that the applicant consider modifying the corner to have an angle on it. Mr. Jenkins said this would help with the sight distance when autos are exiting the alley.

There were no further questions from the Board.

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

Mr. Spoltman indicated that he agreed with the staff report. Mr. Reindel agreed that it fits the requirements and agrees with staff's report and also recommended approval.

Mark Spoltman moved to approve the variance. Pat Jenkins seconded the motion. All were in favor and Resolution BZA 09-10 was approved with a vote of 3-0.

OTHER BUSINESS: Resignation of Vice Chair, Rebecca Harrison

Steve Reindel acknowledged for the record receipt of Mrs. Harrison's resignation letter and thanked her for her service. As a body, the BZA recommended the City Commission accept the resignation. Mr. Schmiesing will prepare a resolution to add to the City Commission Meeting scheduled for June 1, 2010.

Mr. Spoltman asked Mr. Schmiesing for the next step since Mrs. Harrison was the Vice Chair of BZA. Mr. Schmiesing responded that the decision was between the current Board members and the item would be on the next BZA agenda for a vote. Mr. Schmiesing also indicated that Mr. Reedy has advised him that he has pursued an opportunity that has taken him away from the area and would know by July, 2010 if he could continue as a Board member.

Mr. Schmiesing also indicated to Mr. Spoltman that the vacancy created by Ms. Harrison's resignation has been announced publicly and a notice has been posted online. The vacancy will continue to be advertised until the Commission appoints a new member.

ADJOURNMENT

With no further business to conduct it was moved by Mark Spoltman to adjourn the meeting. Seconded by Pat Jenkins. All present voted AYE and the meeting was adjourned at 6:20 PM.

RESOLUTION BZA 10-10

PURSUANT TO, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations as originally adopted August 6, 2002, the Board of Zoning Appeals Chairman and Vice-Chairman shall be elected annually; and,

WHEREAS, article B-1.1 of the Board of Zoning Appeals Procedures, Rules, and Regulations states the Board of Zoning Appeals shall appoint chairman and vice-chairman by a majority vote in the month of January, or at the first regularly scheduled meeting held during the calendar year; and,

WHEREAS, Rebecca Harrison was approved to serve as Vice Chairperson and has resigned from her BZA position; and,

WHEREAS, the Board of Zoning Appeals has nominated _____ as the vice-chairman and he has agreed to serve in this capacity if appointed by the Board of Zoning Appeals;

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to nominate _____ as the Vice Chairperson. The motion was seconded by _____ and the vote was _____ as recorded below. _____ will serve as Vice Chairperson for the remainder of the 2010 calendar year.

	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"/>

RESOLUTION No. BZA 11-10

WHEREAS, Ron Chalmers, owner of 527 Cottage Avenue in the City of Piqua, Ohio, being in a district zoned R-1 (One-family Residential), has filed a petition to variance the building separation setback requirements for an accessory building on the property.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.121 (B) (2) (f) 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:

(2) Setback.

(f) No accessory building shall be closer to any principal structure than ten feet or closer to any other accessory building than five feet.

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 building separation setback requirements for an accessory building on the property located at 527 Cottage Avenue, 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"/>

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME Bob Chalmers
APPLICANT ADDRESS 1500 Echo Lake Dr
CITY Piqua STATE Oh ZIP 45356
PHONE (937) 773-0005
LEGAL INTEREST OF APPLICANT _____

OWNER NAME Same
BUSINESS NAME _____
OWNER ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE (____) _____

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 527 Cottage ave
CITY Piqua STATE Ohio Oh ZIP 45356 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 Less than 10' From house

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 Bob Chalmers DATE 5-27-10

SIGNATURE OF APPLICANT Bob Chalmers DATE 5-27-10

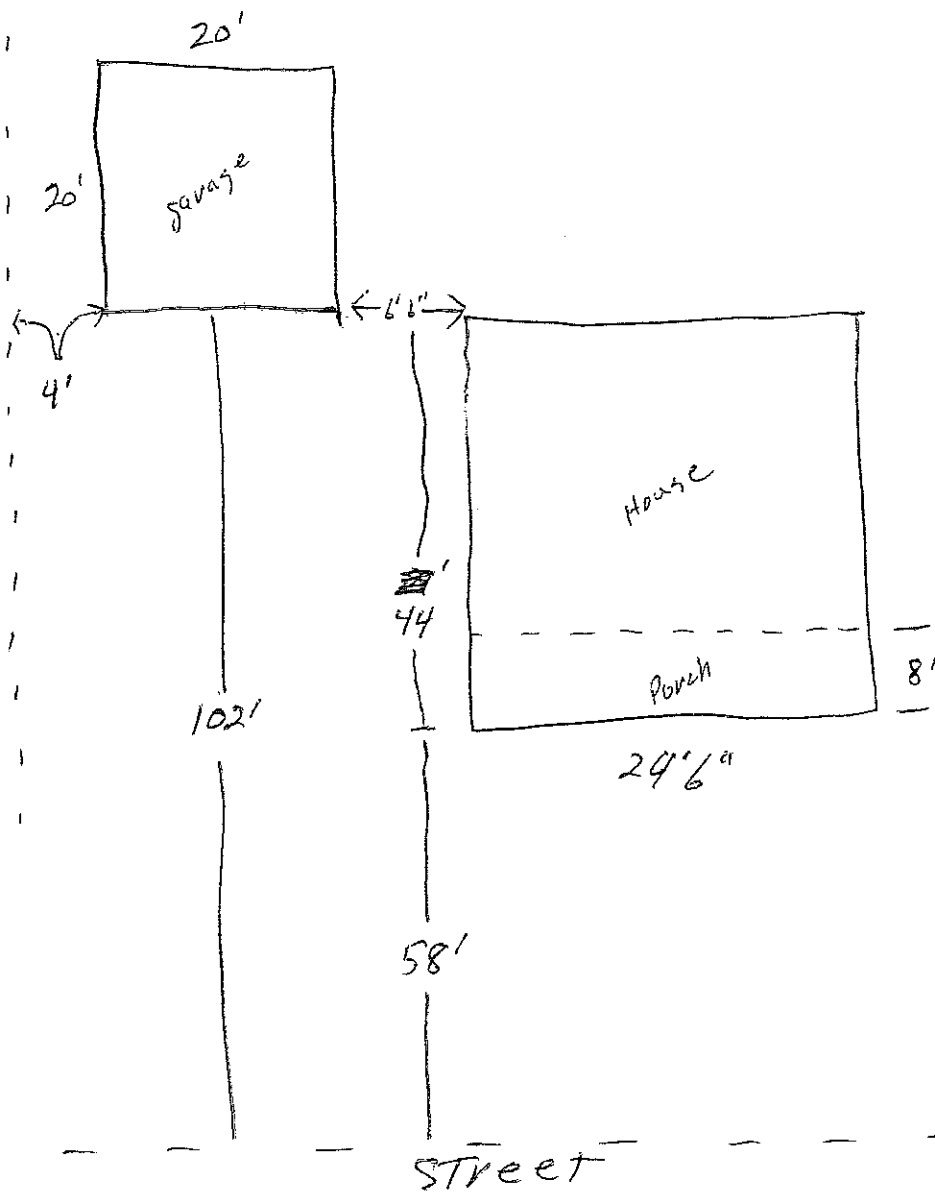
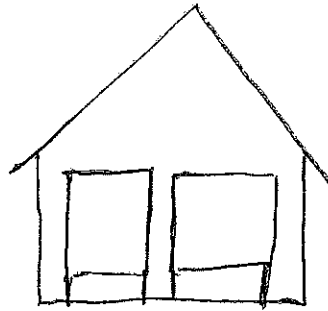
NOTE - BOTH OWNER AND APPLICANT DATED SIGNATURES IN INK REQUIRED TO PROCESS REQUEST

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

\$25.00 FEE PAID - _____ RECEIVED BY - _____

RECEIPT No. - _____ DATE - _____

1-36" walk in Door
2-8" Doors
1' over hang
8' walls
4-12 Pitch



BUILDING REGULATIONS

Darke County
(937) 547-7379

Miami County
(937) 440-8075 or (937) 440-8066

Mercer County
(937) 547-7379

Job Name Ron Palmessa Permit # _____
Address 527 Cottage Ave Town/Twsp Piqua
Inspection _____ Date Requested 5-27-10 AM PM
 Footer Slab Roughs Final Temp Pole
 Electric Service _____ Amps New Upgrade 12-1
 Release to power co. _____ Overhead Underground

Approved Disapproved Close File
Ron 773-0005

OK Existing Foundation

Call Bob Bowman concerning 7 1/2' distance
from house

Talked to Mr Bowman 5-27-10 1:45 PM. - distance is
NOT a problem DR

Date Inspected 5-27-10 By Troy Watkins

Items Selected:

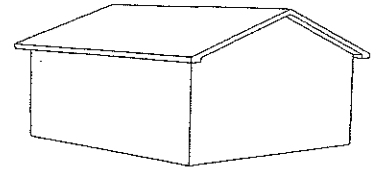
- Gable roof w/ 4/12 pitch, standard trusses 2' O.C.
- Truss Design Location Zip Code: 45356
- 2x4 Wall Framing Material
- 20' Wide X 20' Deep X 8' High
- Vinyl Double 4" Lap Siding
- P. Wheat
- 7/16" OSB Wall Sheathing
- 12" gable/12" eave overhangs
- 7/16" OSB Roof Sheathing
- 30 yr. Superglass Ultra, Dual Black Shingles
- White Vinyl Soffit & Fascia
- White Premium Roof Edge
- White Vinyl Overhead Door Jamb

3256 truss

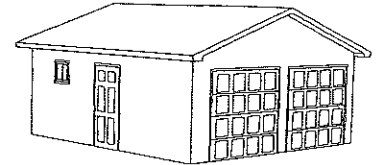
Options Selected:

- The options you have selected are:
15 LB Roof Felt

Front View



Back View



1 - 2x6 - 20'
2 - 2x6 - 12'
2x4 7 1/2' \$2.23

Today's estimated base price: \$1,867.93

The base price includes: 0" Eave/0" Gable Overhangs, Framing Materials, 7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galvanized Regular Roof Edge, 8" Textured Vertical Hardboard Siding, No Service Doors, No Overhead Doors, No Windows, or Any Other Options.

Today's estimated price: \$3,483.73

If purchased today, you save: \$229.45

Monthly BIG Card payment: \$97.83

***** Take this sheet to the Building Materials counter to purchase your materials. *****

All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE, THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.



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: June 7, 2010
To: Board of Zoning Appeals Members
From: Chris Schmiesing, City Planner
Subject: BZA Resolution 11-10

GENERAL INFORMATION

Applicant: Ron Chalmers
Owner: Ron Chalmers
Location: 527 Cottage Avenue
Zoning: R-1 (One Family Residential)
Land Use
Existing: One-family dwelling unit
Proposed: One-family dwelling unit, private detached garage
Request: To variance section 154.121 of the zoning code to allow a private garage to be located 6'-6" from the principal structure.

DISCUSSION/FINDINGS

The proposed private garage if approved will occupy an existing foundation. The existing foundation is 6'-6" from the nearest corner of the principal structure and the code requires accessory structures and principal structures to be not less than 10' apart. The existing garage foundation (the proposed garage location) is located in the rear yard portion of the lot with the front plane of the garage foundation being equal to the rear plane of the principal structure. The garage will be accessed by a driveway leading from the street to the garage around the side of the house.

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: June 7, 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 is to variance the strict application of the code to allow the location of an existing foundation to be utilized for the construction of a private garage.

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

STAFF REPORT

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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

If a garage were constructed on the existing foundation the proposed structure would be consistent and compatible with the established characteristics of the neighborhood. That is, the garage would be comparable in size to other accessory structure private garages found in this neighborhood and the location and position of the garage on the subject lot will be comparable to the siting of private garages on other lots found within the neighborhood. Less the 10 foot separation setback deficiency, the existing foundation location and the proposed private garage will conform to the adopted community standards in all other regards. Likewise, the proposed setback will not be detrimental to the proposed structure complying with the applicable building codes. Hence, 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 (short of excavating the existing foundation and reconstructing a new foundation in virtually the same location)
- 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

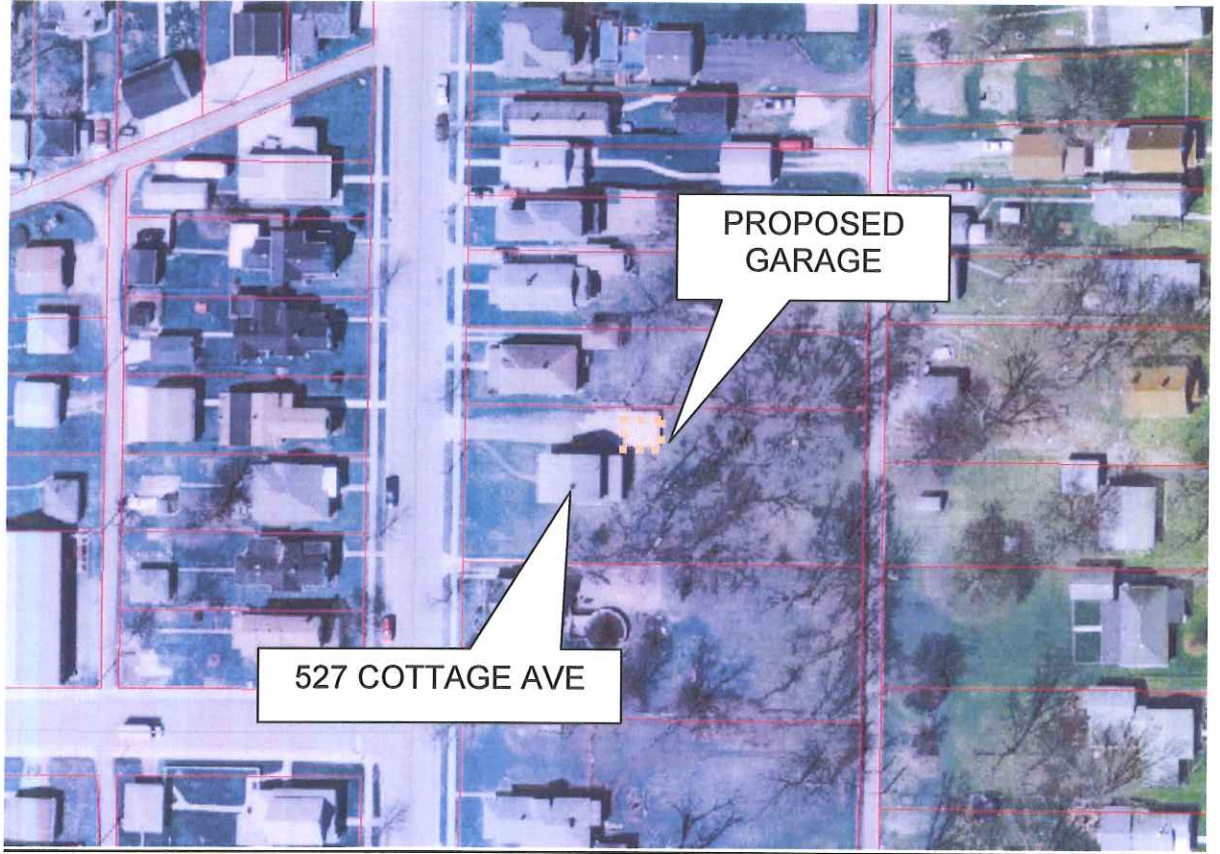
Staff recommends that the Board of Zoning Appeals **approve** the requested variance.

STAFF REPORT

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VICINITY MAP



MAY 25, 2010
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 11-10	RON CHALMERS	1500 ECHO LAKE DRIVE	PIQUA OH 45356
BZA 11-10	RESIDENT	525 COTTAGE AVE	PIQUA OH 45356
BZA 11-10	RESIDENT	531 COTTAGE AVE	PIQUA OH 45356
BZA 11-10	RESIDENT	520 COTTAGE AVE	PIQUA OH 45356
BZA 11-10	RESIDENT	526 COTTAGE AVE	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	