

BOARD OF ZONING APPEALS AGENDA  
- SUMMARY OF ACTION -  
CITY OF PIQUA, OHIO  
6:00 P.M. - AUGUST 24, 2010  
MUNICIPAL GOVERNMENT COMPLEX  
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

ROLL CALL

MEETING MINUTES

June 22, 2010

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 12-10      A petition to variance Section 154.025 front yard and side yard setback requirements to allow redevelopment of the lot at 715 S. Roosevelt Ave. with non standard setbacks similar to those that currently exist.

OTHER BUSINESS

None

ADJOURNMENT

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, JUNE 22, 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: Jimmy Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Ron and Jan Chalmers, 1500 Echo Lake Drive, Piqua, OH.

A motion to excuse Mr. Reedy was made by Mark Spoltman, seconded by Pat Jenkins and all members present voted AYE. The motion was carried with a vote of 3-0.

**MEETING MINUTES**

Pat Jenkins made a motion to approve the May 25, 2010 Minutes. The motion was seconded by Mark Spoltman. All members present voted AYE and the motion was carried with a vote of 3-0.

**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.

The Clerk read the Agenda item.

The Chair opened the floor for nomination of the a Vice Chair to replace Rebecca Harrison. Mark Spoltman nominated Pat Jenkins and Steve Reindel seconded the motion. Mr. Jenkins accepted the

CITY OF PIQUA, OHIO  
BOARD OF ZONING APPEALS MEETING MINUTES  
TUESDAY, JUNE 22, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

nomination. Mark Spoltman motioned to approve the nomination and Steve Reindel seconded. All voted AYE and Pat Jenkins will serve as Vice Chairperson for the BZA for the remainder of the term.

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, Ohio.

Chris Schmiesing presented the Staff Report indicating that the proposed private garage if approved, would 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 foundation, (the proposed garage location) is located in the rear yard portion of the lot with a front plane of the garage foundation being equal to the rear plane of the principal structure. The garage would be accessed by a driveway leading from the street to the garage around the side of the house.

It is Staff's recommendation that the BZA approve the requested variance.

Mr. Spoltman asked Mr. Schmiesing what caused this matter to come before the Board to which he responded "the reconstruction of the garage".

The Chair asked the applicant, Ron Chalmers if there was anything additional he wanted to present. Mr. Chalmers responded indicating that he wants to use the existing foundation to build a garage. There were no additional comments and no public comments.

Mark Spoltman made a motion to approve the variance and the motion was seconded by Pat Jenkins. All Board members voted AYE and the variance was approved with a vote of 3-0.

OTHER BUSINESS

Steve Reindel indicated that there would be no BZA meeting in July due to the lack of business.

ADJOURNMENT

With no further business to conduct it was moved by Mark Spoltman to adjourn the meeting. The motion was seconded by Pat Jenkins. All present voted AYE and the meeting was adjourned at 6:18 PM.

**RESOLUTION No. BZA 12-10**

WHEREAS, Carla Huber, owner of C&J Auto Service located at 715 S. Roosevelt Ave., Piqua, Ohio, being in a district zoned B (General Business) has filed a petition to variance section 154.025 front yard and side yard setback requirements to allow redevelopment of the lot with non standard setbacks similar to those that currently exist.

§ 154.025 B GENERAL BUSINESS DISTRICT.

(G) Height and area regulations. The maximum height and minimum lot requirements within the B General Business District shall be as follows.

(1) General requirements for all permitted uses.

Minimum lot area	None
Minimum lot frontage	None
Minimum front yard setback	None (See division (G)(2) of this section)
Minimum side yard setback	None or 10 feet if abutting a residential district
Minimum rear yard setback	Less of 30 feet or 20% of lot depth if abutting a residential district
Maximum height	35 feet

(2) Frontage. When the frontage on one side of a block is divided between a B General Business District and a Residential District, or is across the street from a Residential District, the front yard requirement of that Residential District shall apply to the affected frontage of the B General Business District.

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.

RESOLUTION No. BZA 12-10

NOW THEREFORE BE IT RESOLVED that \_\_\_\_\_ motioned to ~~approve/deny~~ the request to variance section 154.025 front yard and side yard setback requirements to allow redevelopment of the lot with non standard setbacks similar to those that currently exist on the property located at 715 S. Roosevelt Ave., Piqua, Ohio. The motion was seconded by \_\_\_\_\_ and the request was ~~approved/denied~~ with a vote of \_\_\_\_ as recorded below.

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	AYE	NAY	ABSTAIN	ABSENT
Mr. 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 CARLA HUBER  
APPLICANT ADDRESS 715 S. ROOSEVELT AVE.  
CITY Piqua STATE OH ZIP 45356  
PHONE (937) 778-9668  
LEGAL INTEREST OF APPLICANT AGENT OF OWNER

OWNER NAME CARL HUBER  
BUSINESS NAME C & J AUTO SERVICE  
OWNER ADDRESS 715 S. ROOSEVELT AVE.  
CITY Piqua STATE OH ZIP 45356  
PHONE (937) 214-0231

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED  
STREET ADDRESS 715 S. ROOSEVELT AVE.  
CITY Piqua STATE Ohio ZIP 45356  
LOT NUMBER \_\_\_\_\_ ZONING DESIGNATION B

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 REDEVELOPMENT OF EXISTING COMMERCIAL LOT WITH NEW STANDARD SETBACKS

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 \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

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

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

\$25.00 FEE PAID -  RECEIVED BY - CS

RECEIPT No. - \_\_\_\_\_ DATE - \_\_\_\_\_

# Plot Plan Pt. Inlot 2065 and Pt. Inlot 2066

S.E. 114

TAX MAP

PIQUA

CORPORATION

MIAMI

COUNTY

OHIO

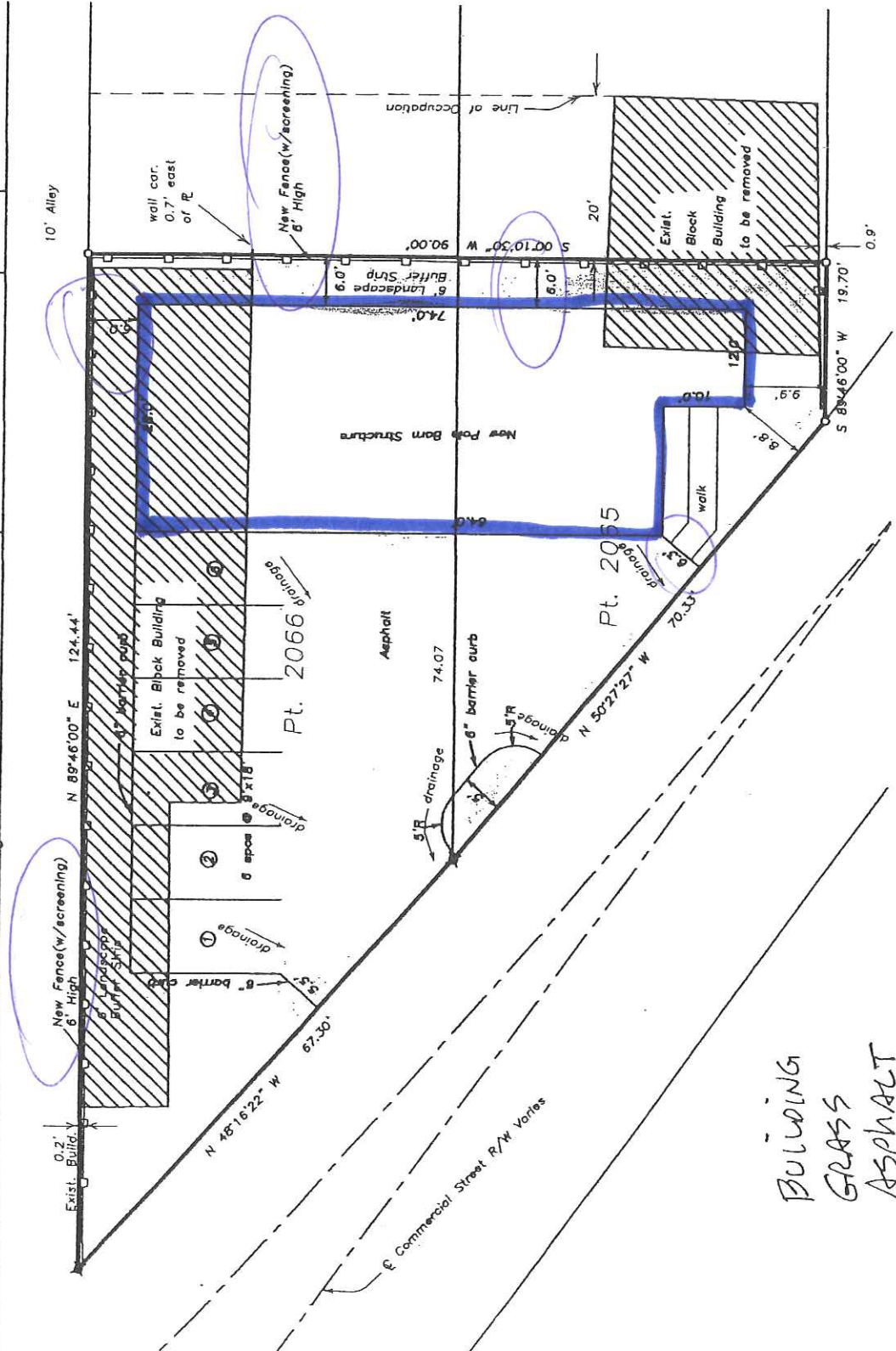
STATE

Pt. 2071	Pt. 2070	Pt. 2070	Pt. 2069	Pt. 2069	Pt. 206



### Legend

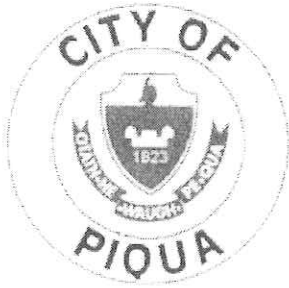
- Iron Pin Found
- 5/8" Capped Iron Pin Set (Cozatt, S6001)
- ✕ (in Spindle Set
- Iron Pipe Found



*Michael W. Cozatt 10-17-06*  
 MICHAEL W. COZATT  
 P.S. #5001  
 Civil Engineer  
 476 Swales Road  
 Troy, OH 45373  
 Job No. 15808  
 Fax Home: C:\Survey\2006\Water Paper\working  
 (937)-339-2921  
 Land Surveyor  
 Cozatt Engineering Company  
 Drawn by: DMC - Checked by: MIC

BUILDING  
 GRASS  
 ASPHALT

D. SELOPED



## PLANNING AND ZONING

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

### STAFF REPORT

Date: August 9, 2010  
To: Board of Zoning Appeals Members  
From: Chris Schmiesing, City Planner  
Subject: BZA Resolution 12-10

### GENERAL INFORMATION

Applicant: Carla Huber  
Owner: Carl Huber  
Location: 715 S Roosevelt Avenue  
Zoning: B (General Business)  
Land Use  
Existing: Auto Repair  
Proposed: Auto Repair  
Request: To variance section 154.025 front yard and side yard setback requirements to allow redevelopment of lot with nonstandard setbacks similar to those that currently exist.

### DISCUSSION/FINDINGS

The proposed variance if approved will allow for the redevelopment of the subject location with a new building, parking lot, and landscaping. The proposed improvements will replace the existing improvements currently found at this location that are being utilized by the existing auto repair shop. The proposed setbacks as shown satisfy the setback requirements for the B General Business district if not for the property being situated adjacent to residential zoning district. Because it is adjacent to residential zoning the setback requirements are more stringent. The code required side yard setback is 10 feet and the proposed side yard setback is 6 feet. The code required front yard setback is 25 feet and the proposed front yard setback is +/-6 feet. Screening is also required as a result of the adjacency to the residential zoning. This requirement is satisfied by the 6 foot chain link fence with screening slats shown on the drawing. The Planning Commission has previously rezoned this property to make possible the continuance of the existing auto repair shop use of this premise.

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: August 9, 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 existence of a commercial use of this premises and the adjacent residential uses date back many years. The triangular shape lot makes conformance to setback requirements difficult. Likewise, the existing structure has existed at this location with nonstandard setbacks for numerous years. Therefore it is staff's opinion that the setback variance as requested will allow for 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 redevelopment of an irregular lot. Without the variance the redevelopment of this premise with improvements comparable in size and scale to those that currently exist would be difficult if not impossible.*

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."

## STAFF REPORT

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Will the request constitute a change in the district map?

*Staff Analysis: The Planning Commission previously rezoned this lot from R-1 to B General Business.*

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.*

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 relationship between the auto repair shop use found at this location and the surrounding residential uses has long been established. In fact, the Planning Commission found that the commercial nature of this use provides a reasonable transition between the residential uses found to the north and the industrial use activities found to the south and approved a business zoning designation for this location. If not for the adjacency of the residential zoning the proposed improvements would be in conformance with the applicable setback requirements. Even with the more restrictive setbacks that are applicable, and despite the irregular shape of the lot, the site layout being proposed is sensitive to the surrounding residential uses. The boundaries shared with residential uses include a 6 foot high chain link fence with screening slats, the building is orientated so that the open side of the building faces away from the surrounding residential uses, and the site design includes green space and other landscaping amenities not currently found at this location. Unlike the existing facility the proposed parking lot will be curbed and asphalted to reduce dust and better manage site storm water runoff.

Based upon the information provided, 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

## STAFF REPORT

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- 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

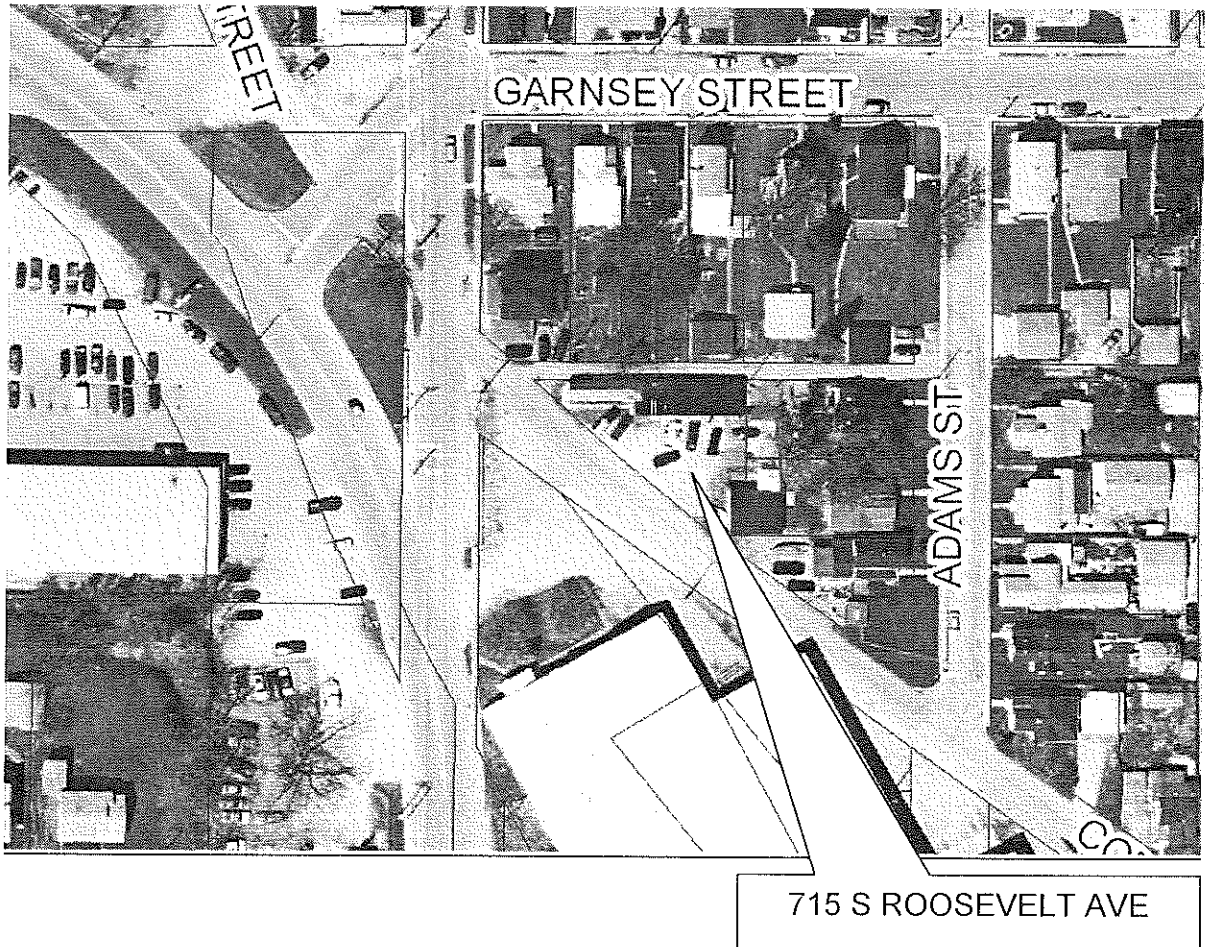
Staff recommends that the Board of Zoning Appeals **approve** the requested variance.

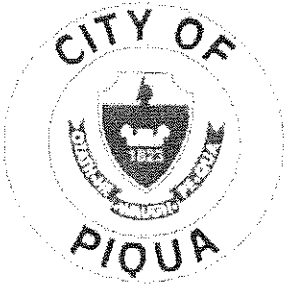
STAFF REPORT

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VICINITY MAP





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## PLANNING AND ZONING

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

August 13, 2010

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

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Please be advised that the City of Piqua Board of Zoning Appeals will hold a meeting at the time and location stated below. It has been determined by this office that you may have an interest in 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](http://www.piquaoh.org/agenda_zoning_bd.htm) or stop by this office.

TIME: **6:00 P.M.**

DATE: **Tuesday, August 24, 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.

AUGUST 24, 2010  
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
BZA 12-10	CARLA HUBER	715 S ROOSEVELT AVE	PIQUA OH 45356
BZA 12-10	RESIDENT	713 S ROOSEVELT AVE	PIQUA OH 45356
BZA 12-10	RESIDENT	720 ADAMS ST	PIQUA OH 45356
BZA 12-10	RESIDENT	722 ADAMS ST	PIQUA OH 45356
BZA 12-10	RESIDENT	724 ADAMS ST	PIQUA OH 45356
BZA 12-10	RESIDENT	403 W GARNSEY ST	PIQUA OH 45356
BZA 12-10	RESIDENT	407 W GARNSEY ST	PIQUA OH 45356
BZA 12-10	RESIDENT	411 W GARNSEY ST	PIQUA OH 45356
BZA 12-10	RESIDENT	415 W GARNSEY ST	PIQUA OH 45356
BZA 12-10	RESIDENT	419 W GARNSEY ST	PIQUA OH 45356
BZA 12-10	RESIDENT	423 W GARNSEY ST	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	