

**BOARD OF ZONING APPEALS AGENDA
ACTION SUMMARY
CITY OF PIQUA, OHIO
6:00 P.M. - APRIL 26, 2011
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

ROLL CALL

SWEARING IN Skip Murray

MEETING MINUTES February 11, 2011

OLD BUSINESS

None

NEW BUSINESS

1. **Resolution BZA 03-11** A variance to reduce the number of waiting spaces provided prior to the point of order from the 8 spaces required to 3 spaces.
2. **Resolution BZA 04-11** A variance to reduce the number of off street parking spaces from 68 spaces required to 25 spaces.
3. **Resolution BZA 05-11** A variance to reduce the minimum 5 ft. setback from the lot line to the parking lot to the 2 ft. (west lot line) and 0 ft. (east lot line) setbacks.
4. **Resolution BZA 06-11** A variance to increase the 25 sq. ft. primary detached sign maximum area allowance and the 8 ft. maximum height allowance to 93 sq. ft. area and 27 ft. height respectively.
5. **Resolution BZA 07-11** A variance to increase the maximum 32 sq. ft. menu board sign area allowance and the maximum 8 ft. menu board height allowance to 44.5 sq. ft. and 8.7 ft.

OTHER BUSINESS Board of Zoning Appeals Rules of Decorum, Procedures and Code of Ethics

ADJOURNMENT

BOARD OF ZONING APPEALS

OATH OF OFFICE

I, SKIP MURRAY, solemnly swear (or affirm) that I will obey the Constitution and Laws of the United States and of the State of Ohio, that I will in all respects, observe the provisions of the Charter and Ordinances of the City of Piqua, and faithfully discharge the duties of the Board of Zoning Appeals.

SKIP MURRAY

STEVE REINDEL
Board of Zoning Appeals

Sworn to and subscribed in my presence this 26th day of April, 2011.

Joni Kakatolis
Clerk

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 22, 2011

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, Pat Jenkins, Shawn Hicks, Dan Patrizio and Mike Taylor

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Dave Mitchell, Representative for Shafer Investments,
1256 Stanley Ave., Dayton, OH

MEETING MINUTES

Pat Jenkins made a motion to approve the November 23, 2010 meeting minutes. The motion was seconded by Dan Patrizio and the motion was passed with a vote of 4-0. Mr. Taylor abstained as he is a new member to the Board of Zoning Appeals.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 01-11

A resolution nominating and electing the BZA Chairperson and Vice Chairperson for the 2011 calendar year.

After the procedures for appointing a Chair and Vice Chair were read and the declaration of candidacy was recorded, Pat Jenkins nominated Steve Reindel for Chair for the 2011 calendar year. The motion was seconded by Dan Patrizio and Mr. Reindel was unanimously voted in as Chair for the 2011 calendar year.

Pat Jenkins nominated Dan Patrizio for Vice Chair for the 2011 calendar year. The motion was seconded by Steve Reindel and Mr.

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 22, 2011

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Patrizio was unanimously voted in as Vice Chair for the 2011 calendar year.

2. Resolution BZA 02-11

Authorization of a variance to reduce the number of off street parking spaces required at the property located at 226 W. Water St., Piqua, OH.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented the Staff Report which recommended approval.

Mr. Jenkins indicated that he had concerns about the clearance between the building and the YMCA and that Mr. Schmiesing had addressed those concerns in a phone conversation earlier in the day.

No other Board members had questions for Staff.

David Mitchell, the representative for Shafer Investments addressed the Board. Mr. Mitchell has served as the construction manager for Shafer Investments for the last 10 years. He advised that the project's purpose is to provide a better store for its customers and provided drawings displaying the new storefront. Also provided was a site plan showing the landscaping, etc.

The issue before the Board is the parking. To be able to use the gas pumps as parking spaces is reasonable because most all of the patrons are purchasing gas. There is also quite a bit of "walk up" traffic at this particular location. It is conveniently located for this type of traffic.

Mr. Patrizio asked the height of the building and the response is about 18 ½ feet. Mr. Jenkins asked the approximate square footage and Mr. Mitchell indicated the new space would be 1,530 sq. ft. The existing space is approximately 70 sq. ft. Mr. Taylor indicated that he heard that this store sells the most money orders and that it is very valuable to local residents. Mr. Mitchell affirmed this statement. Mr. Patrizio confirmed that he has seen all of the walk up traffic referenced. There were no more questions for Mr. Mitchell.

Mr. Reindel asked if there was any public comment. There was no public comment so it was closed.

Mr. Jenkins made a motion to approve Resolution BZA 02-11. Mr. Patrizio seconded the motion indicating that it is an enhancement to the current property and a positive for the city. Mr. Reindel agreed with Staff comments and that the current code does not permit

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 22, 2011

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS
satisfaction of the requirement. He also agreed that the variance was justified.

With the motion having been made by Mr. Jenkins and seconded by Mr. Patrizio, a vote was taken and the Resolution BZA 02-11 was passed with a vote of 5-0.

OTHER BUSINESS

Removal of the December 27, 2011 meeting from the schedule.

Mr. Schmiesing addressed the Board with this issue and thought it would be appropriate to delete the December 27, 2011 date from the schedule. Mr. Schmiesing indicated that if there was an immediate action required, the Board could address that at the time.

A motion to remove the December 27, 2011 meeting from the schedule was made by Shawn Hick and seconded by Dan Patrizio. The motion was carried unanimously.

ADJOURNMENT

With no further business to conduct it was moved by Dan Patrizio and seconded by Shawn Hicks that the meeting be adjourned. With all those present in favor the meeting was adjourned at 6:40 PM.

RESOLUTION No. BZA 03-11

WHEREAS, Todd Huntington, GPD Group on behalf of Bharat Parikh, owner of the Taco Bell, Inc., 1234 E. Ash St. in the City of Piqua, Ohio, being in a district zoned GB (General Business), has filed a petition for a variance to reduce the number of waiting spaces provided prior to the point of order from the 8 spaces required to 3 spaces at the property located at 1234 E. Ash St., Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.082 (E)(2) establishes that:

154.082 PARKING REQUIREMENTS.

The amount of required parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines in any district, except as otherwise provided.

(E) *Road service and commercial entertainment uses.*

(16) *Restaurants, fast food.* One space per 50 gross square feet of floor area, plus one space per employee on the largest shift, with a minimum of 15 total spaces, and with off-street automobile waiting space for eight vehicles for each drive-in window, with the automobile waiting spaces to be located behind the point where a drive-in order is placed.

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 for a variance to reduce the number of waiting spaces provided prior to the point of order from the 8 spaces required to 3 spaces at the property located at 1234 E. Ash St., Piqua, Ohio. The motion was seconded by _____ and the request was **approved/denied** with a vote of _____ as recorded below.

RESOLUTION No. BZA 03-11

	AYE	NAY	ABSTAIN	ABSENT
Mr. Skip Murray	<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. Daniel Patrizio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Shawn Hicks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

03-11

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME TODD HUNTINGTON, GPD GROUP
APPLICANT ADDRESS 520 S. MAIN ST., STE. 2531
CITY AKRON STATE OH ZIP 44311
PHONE (330) 572-2207
LEGAL INTEREST OF APPLICANT OWNER REPRESENTATIVE

OWNER NAME BHARAT PARIKH
BUSINESS NAME TACO BELL, INC.
OWNER ADDRESS 1900 COLONEL SANDERS LN., L-1270
CITY LOUISVILLE STATE KY ZIP 40213
PHONE (410) 775-6123

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1234 E. ASH ST.
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 (8) DRIVE-THRU SPACES REQUESTED PRIOR TO THE ORDER POINT. (3) D/T SPACES PROVIDED PRIOR TO ORDER POINT.

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 [Signature] DATE 2011.03.28 14:00:31 -04'00'

SIGNATURE OF APPLICANT [Signature] DATE 03/28/11

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 - _____



PLANNING AND ZONING

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

STAFF REPORT

Date: April 14, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 1234 E. Ash Street - Variance Request

GENERAL INFORMATION

Applicant: Todd Huntington
Owner: Bhart Parikh
Location: 1234 E. Ash Street
Zoning: B (General Business)
Land Use
Existing: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Proposed: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Request: Authorization of a variance to reduce the number of waiting spaces provided prior to the point of order from the 8 spaces required by the applicable code section to the 3 spaces proposed on the site plan provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for the reduction of the drive thru waiting spaces required for the proposed improvements. Currently the restaurant fast food special use found at this location operates with a total of 3 waiting spaces available prior to the point of order. The variance will allow for the reconstruction of the building and site improvements with no change in the number of available waiting spaces. The Planning Commission has previously authorized the reconstruction of the special use restaurant fast food use.

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

Section 154.142(C)(2) states, "Powers relative to variances. To hear and decide upon petitions for variances and, subject to the conditions and safeguards deemed appropriate by the Board, to vary the strict application of the height, area, setback, or parking requirements to the extent necessary to permit the owner a reasonable

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

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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?

- and -

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: The proposed improvements will be essentially the same as the use of the site that has existed at this location for many years with no concerns regarding the nonstandard number of waiting spaces provided; and, the proposed improvements will in many ways lessen the degree of nonconformance with other applicable standards. With reference to the history of the use of this parcel and in recognition of the surrounding uses found in this area It is staff's opinion that the waiting space reduction variance as requested will allow for a reasonable use of the land.

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 will not require a change in the zoning map.

Will this request impair an adequate supply of light and air to adjacent property?

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

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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

A good portion of the business conducted at this location is facilitated by the drive through service window. Therefore, it is essential to the success of this business operation that drive thru traffic be moved past the service window efficiently. As such, the restaurant fast food use found at this location has developed a business operations process that moves vehicles from the order point to the pick-up window in a manner that prevents backups from occurring in the drive thru lane. Should it become necessary there are additional waiting spaces available in the maneuvering lane of the parking facility that would accommodate waiting vehicles without concern that vehicles would back into the public right of way. Further considering that the restaurant fast food use has existed at this location for many years with no waiting space concerns having been raised previously, and considering the proposed improvements will represent a significant reinvestment in the site and the community in general, 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 cannot be remedied by other means

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

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- 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

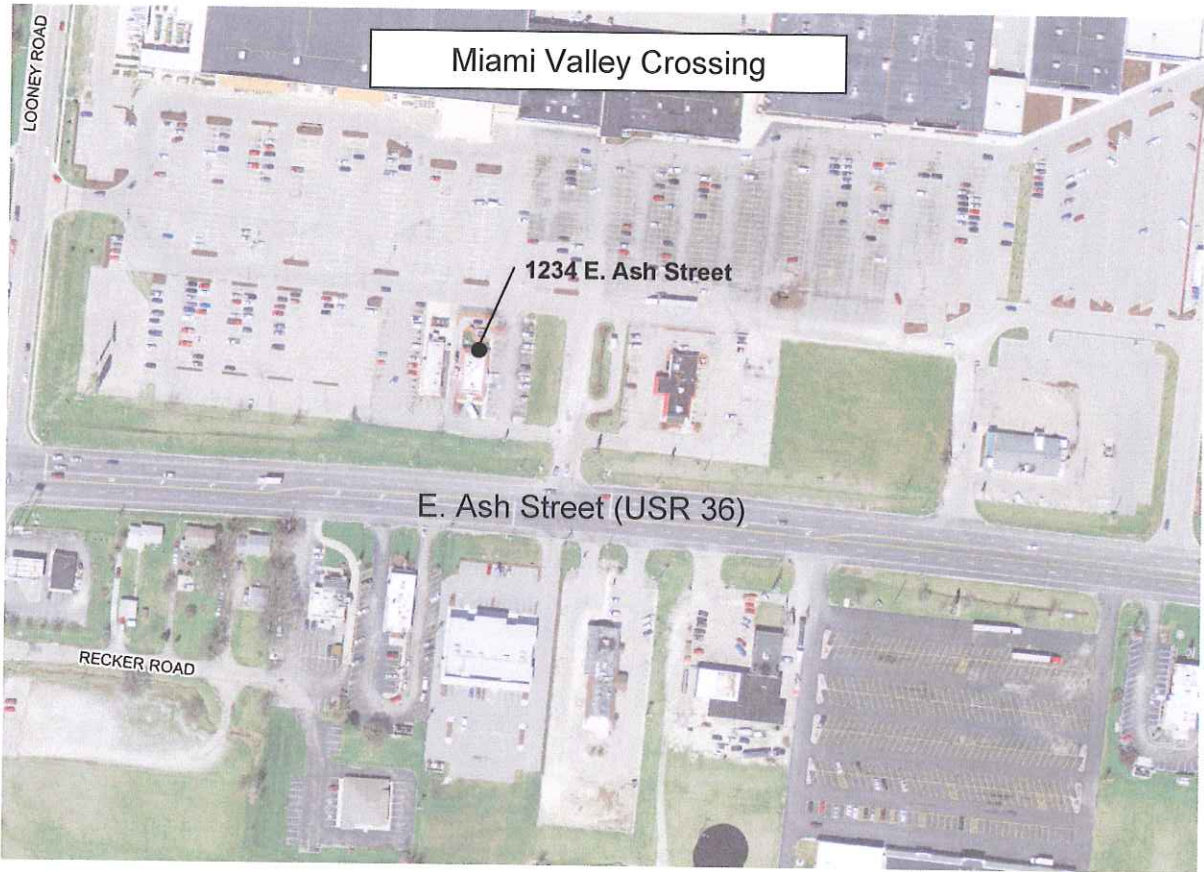
Staff recommends that the Board of Zoning Appeals **approve** the requested variance.

VICINITY MAP

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

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RESOLUTION No. BZA 04-11

WHEREAS, Todd Huntington, GPD Group on behalf of Bharat Parikh, owner of the Taco Bell, Inc., 1234 E. Ash St. in the City of Piqua, Ohio, being in a district zoned GB (General Business), has filed a petition for a variance to reduce the number of off street parking spaces from 68 spaces required to 25 spaces at the property located at 1234 E. Ash St., Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.082 (E)(2) establishes that:

154.082 PARKING REQUIREMENTS.

The amount of required parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines in any district, except as otherwise provided.

(E) *Road service and commercial entertainment uses.*

(16) *Restaurants, fast food.* One space per 50 gross square feet of floor area, plus one space per employee on the largest shift, with a minimum of 15 total spaces, and with off-street automobile waiting space for eight vehicles for each drive-in window, with the automobile waiting spaces to be located behind the point where a drive-in order is placed.

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 for a variance to reduce the number of off street parking spaces from 68 spaces required to 25 spaces at the property located at 1234 E. Ash St., Piqua, Ohio. The motion was seconded by _____ and the request was approved/denied with a vote of _____ as recorded below.

RESOLUTION No. BZA 04-11

	AYE	NAY	ABSTAIN	ABSENT
Mr. Skip Murray	<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. Daniel Patrizio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Shawn Hicks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

04-11

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME TODD HUNTINGTON, GPD GROUP
APPLICANT ADDRESS 520 S. MAIN ST., STE. 2531
CITY AKRON STATE OH ZIP 44311
PHONE (330) 572-2207
LEGAL INTEREST OF APPLICANT OWNER REPRESENTATIVE

OWNER NAME BHARAT PARIKH
BUSINESS NAME TACO BELL, INC.
OWNER ADDRESS 1900 COLONEL SANDERS LN., L-1270
CITY LOUISVILLE STATE KY ZIP 40213
PHONE (410) 775-6123

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1234 E. ASH ST.
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 (68) PARKING SPACES REQUIRED.

(25) PARKING SPACES PROVIDED. VARIANCE FOR (43) PARKING SPACES.

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 [Signature] DATE 2011.03.28 14:00:47
-04'00'

SIGNATURE OF APPLICANT [Signature] DATE 03/28/11

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 - _____



PLANNING AND ZONING

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

STAFF REPORT

Date: April 14, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 1234 E. Ash Street - Variance Request

GENERAL INFORMATION

Applicant: Todd Huntington
Owner: Bhart Parikh
Location: 1234 E. Ash Street
Zoning: B (General Business)
Land Use
Existing: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Proposed: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Request: Authorization of a variance to reduce the number of off street parking spaces from the 68 spaces required by the applicable code section to the 25 spaces proposed on the site plan provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for the reduction of the off street parking requirements for the proposed improvements. Currently the restaurant fast food special use found at this location operates with a total of 26 parking spaces available on-site. The variance will allow for the reconstruction of the building and site improvements with a slightly larger building footprint that will result in a modest increase in the available dining area and a nominal decrease in the number of available parking spaces. The Planning Commission has previously authorized the reconstruction of the special use restaurant fast food use.

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

Section 154.142(C)(2) states, "Powers relative to variances. To hear and decide upon petitions for variances and, subject to the conditions and safeguards deemed appropriate by the Board, *to vary the strict application* of the height, area, setback,

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

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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?

- and -

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: The proposed improvements will be essentially the same as the use of the site that has existed at this location for many years with no concerns regarding off street parking; and, the proposed improvements will in many ways lessen the degree of nonconformance with other applicable standards. With reference to the history of the use of this parcel and in recognition of the surrounding uses found in this area It is staff's opinion that the parking reduction variance as requested will allow for a reasonable use of the land.

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 will not require a change in the zoning map.

Will this request impair an adequate supply of light and air to adjacent property?

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Date: April 14, 2011
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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

A good portion of the business conducted at this location is facilitated by the drive through service window. It is also important to note that there is a significant amount of adjacent off-street parking immediately adjacent to this parcel. While not a part of the subject parcel, it is probable that patrons in need of the referenced adjacent off street parking would find this alternative location suitable to satisfy their needs. Further considering that the restaurant fast food use has existed at this location for many years with no off street parking concerns having been raised previously, and considering the proposed improvements will represent a significant reinvestment in the site and the community in general, 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 cannot 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.

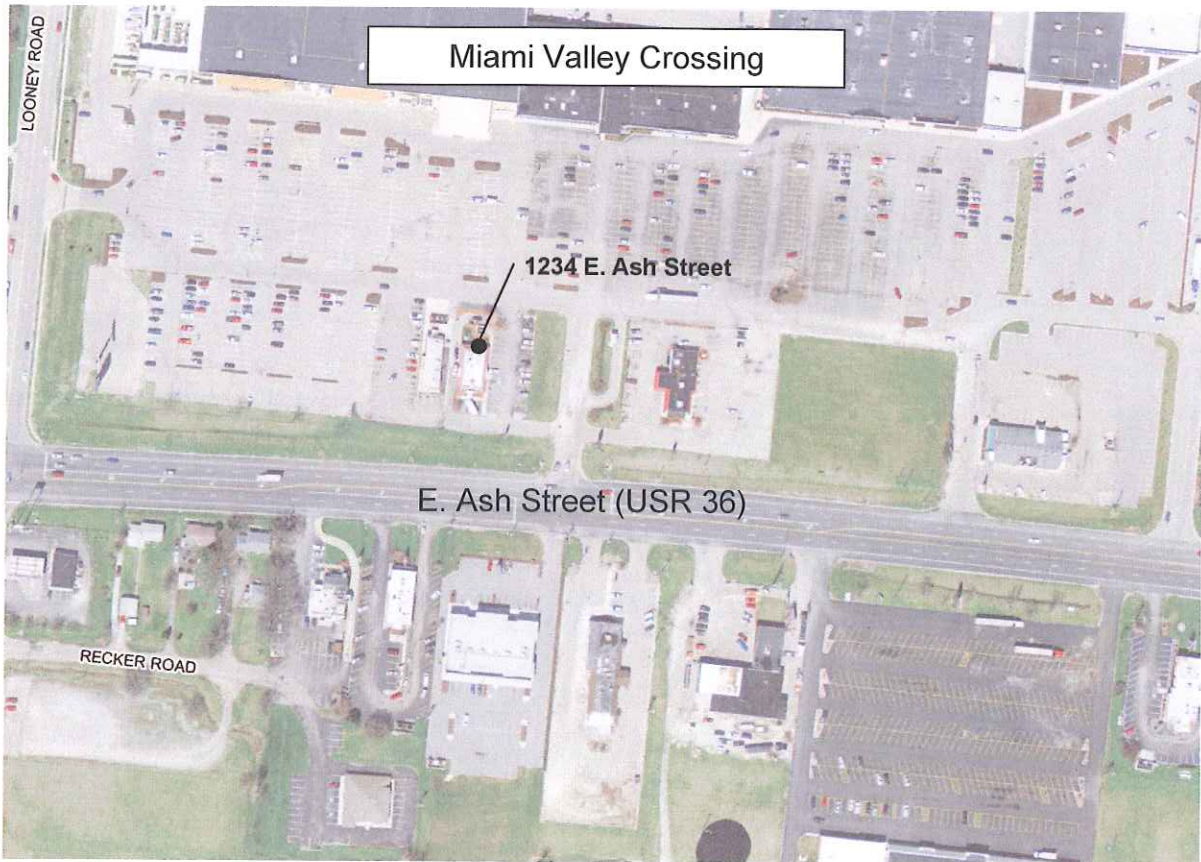
STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

RECOMMENDATION

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

VICINITY MAP



RESOLUTION No. BZA 05-11

WHEREAS, Todd Huntington, GPD Group on behalf of Bharat Parikh, owner of the Taco Bell, Inc., 1234 E. Ash St. in the City of Piqua, Ohio, being in a district zoned GB (General Business), has filed a petition for a variance to reduce the minimum 5 ft. setback from the lot line to the parking lot to the 2 ft. (west lot line) and 0 ft. (east lot line) setbacks at the property located at 1234 E. Ash St., Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.081 (A) establishes that:

154.081 GENERAL REGULATIONS.

(A) All required parking spaces shall be located on the same lot as the use for which they are required, subject to the regulations of the district in which they are located. The minimum setback from a front, side, or rear lot line for a parking lot, parking space or driveway serving a residential use shall be three feet. The minimum setback from a front, side, or rear lot line for a parking lot, parking space or driveway serving any use other than a residential use shall be 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 for a variance to reduce the minimum 5 ft. setback from the lot line to the parking lot to the 2 ft. (west lot line) and 0 ft. (east lot line) setbacks at the property located at 1234 E. Ash St., Piqua, Ohio. The motion was seconded by _____ and the request was ~~approved/denied~~ with a vote of _____ as recorded below.

RESOLUTION No. BZA 05-11

	AYE	NAY	ABSTAIN	ABSENT
Mr. Skip Murray	<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. Daniel Patrizio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Shawn Hicks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

05-11

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME TODD HUNTINGTON, GPD GROUP
APPLICANT ADDRESS 520 S. MAIN ST., STE. 2531
CITY AKRON STATE OH ZIP 44311
PHONE (330) 572-2207
LEGAL INTEREST OF APPLICANT OWNER REPRESENTATIVE

OWNER NAME BHARAT PARIKH
BUSINESS NAME TACO BELL, INC.
OWNER ADDRESS 1900 COLONEL SANDERS LN., L-1270
CITY LOUISVILLE STATE KY ZIP 40213
PHONE (410) 775-6123

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1234 E. ASH ST.
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 (5') PARKING SETBACK REQUEST.

(2') PROVIDED ON WEST SIDE, (0') PROVIDED ON EAST SIDE.

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 [Signature] 2011.03.28 14:01:03
0400'

SIGNATURE OF APPLICANT [Signature] DATE 03/28/11

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 - _____



PLANNING AND ZONING

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

STAFF REPORT

Date: April 14, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 1234 E. Ash Street - Variance Request

GENERAL INFORMATION

Applicant: Todd Huntington
Owner: Bhart Parikh
Location: 1234 E. Ash Street
Zoning: B (General Business)
Land Use
Existing: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Proposed: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Request: Authorization of a variance to reduce the minimum 5 foot setback from the lot line to the parking lot as required by the applicable code section to the 2 feet (west lot line) and 0 feet (east lot line) setbacks proposed on the site plan provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for the reduction of the minimum setback required for the proposed parking lot and drive thru lane improvements. Currently the parking lot improvements found at this location include nonstandard setbacks to the lot lines. The variance will allow for the reconstruction of the building and site improvements with 2 foot and 0 foot parking lot setbacks, which are comparable to those currently found at this location. The Planning Commission has previously authorized the reconstruction of the special use restaurant fast food use.

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

Section 154.142(C)(2) states, "Powers relative to variances. To hear and decide upon petitions for variances and, subject to the conditions and safeguards deemed appropriate by the Board, to vary the strict application of the height, area, setback,

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

Page 2

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?

- and -

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: The proposed improvements will be essentially the same as the use of the site that has existed at this location for many years with no concerns regarding the nonstandard parking lot setbacks provided; and, the proposed improvements will in many ways lessen the degree of nonconformance with other applicable standards. With reference to the history of the use of this parcel and in recognition of the surrounding uses found in this area It is staff's opinion that the parking lot setback variance as requested will allow for a reasonable use of the land.

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 will not require a change in the zoning map.

Will this request impair an adequate supply of light and air to adjacent property?

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

Page 3

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 current improvements at this site were constructed prior to the adoption of the current parking lot setback standard. Because the site was originally platted to accommodate the needs of the existing site development and no more, any requirement to increase the parking lot setbacks will lessen the intensity of the site development currently enjoyed by the property owner. One could argue that in theory this would result in an unnecessary hardship being imposed upon the property owner. It is also important to recognize that the nature of the adjacent development currently provides the buffer area that would otherwise be provided by the required parking setback. Further considering that the parking lot accessory use to the restaurant fast food use has existed at this location for many years with no concerns having been raised previously concerning the parking lot setbacks, and considering the proposed improvements will represent a significant reinvestment in the site and the community in general, 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 cannot be remedied by other means

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

Page 4

- 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

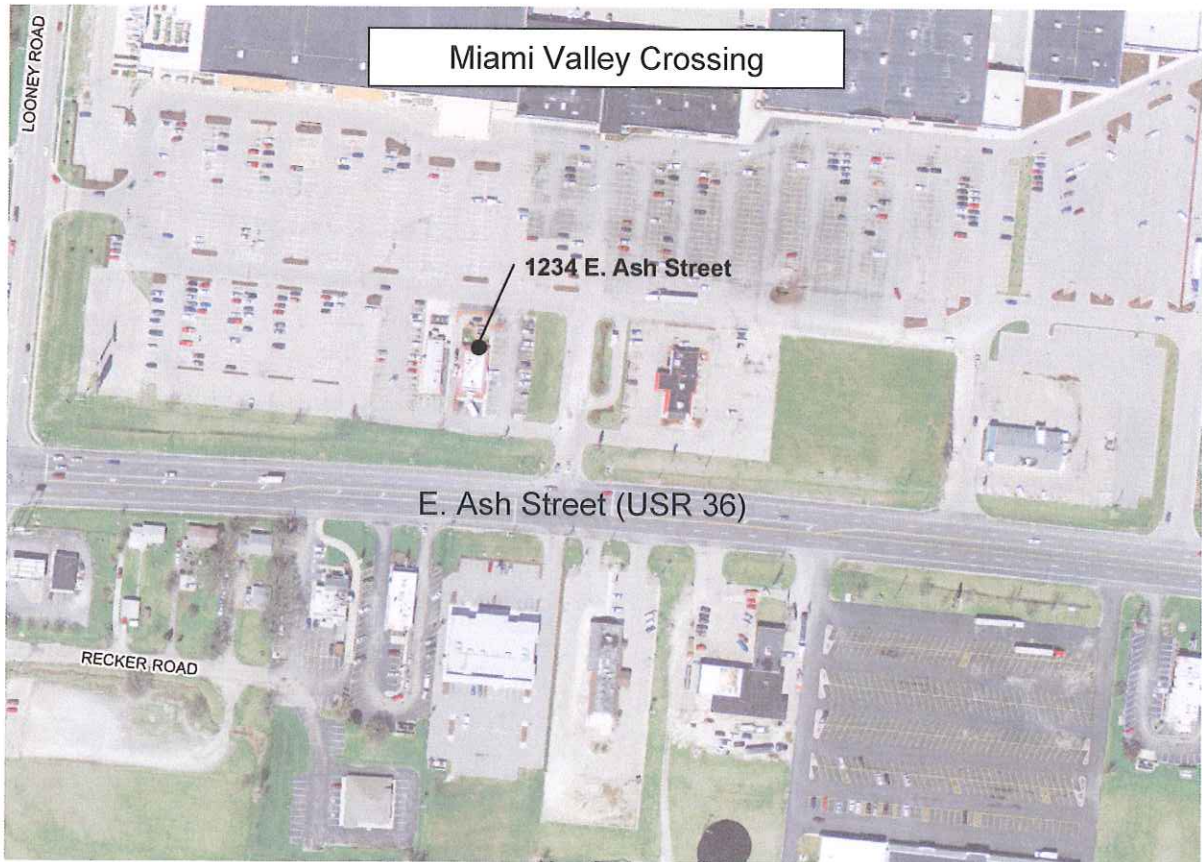
Staff recommends that the Board of Zoning Appeals **approve** the requested variance.

VICINITY MAP

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

Page 5



RESOLUTION No. BZA 06-11

WHEREAS, Todd Huntington, GPD Group on behalf of Bharat Parikh, owner of the Taco Bell, Inc., 1234 E. Ash St. in the City of Piqua, Ohio, being in a district zoned GB (General Business), has filed a petition for a variance to increase the 25 sq. ft. primary detached sign maximum area allowance and the 8 ft. maximum height allowance to 93 sq. ft. area and 27 ft height respectfully at the property located at 1234 E. Ash St., Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.081 (A) establishes that:
 154.101 PERMANENT; DETACHED SIGNS.

(C) *Height, area, and setback regulations.*

(1) General requirements for primary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Canopy (detached) sign	20 feet	1 sq. foot per lineal foot of the width of the canopy face to which the sign will be attached, not to exceed 50 sq. feet	N/A	10 feet	5 feet
Ground sign; monument sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Ground sign; monument sign	12 feet	50 sq. feet	1 acre or more	10 feet	5 feet
Pole sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Pole sign	20 feet	50 sq. feet	1 acre or more	10 feet	5 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.

RESOLUTION No. BZA 06-11

- 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 for a variance to increase the 25 sq. ft. primary detached sign maximum area allowance and the 8 ft. maximum height allowance to 93 sq. ft. area and 27 ft height respectfully at the property located at 124 E. Ash St., 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. Skip Murray	<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. Daniel Patrizio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Shawn Hicks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

06-11

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME TODA HUNTINGTON, GPD GROUP
APPLICANT ADDRESS 520 S. MAIN ST., STE. 2531
CITY Akron STATE OH ZIP 44311
PHONE (330) 572-2207
LEGAL INTEREST OF APPLICANT OWNER REPRESENTATIVE

OWNER NAME BHARAT PARIKH
BUSINESS NAME TACO BELL, INC.
OWNER ADDRESS 1900 COLONEL SANDERS LN., L-1270
CITY LOUISVILLE STATE KY ZIP 40213
PHONE (410) 775-6123

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1234 E. ASH ST.
CITY Piqua STATE Ohio ZIP 45356
LOT NUMBER _____ ZONING DESIGNATION RS

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 AN 8' OAH, 25 S.F. SIGN IS PERMITTED.

TACO BELL WOULD LIKE TO SIMPLY REFACE EXISTING 27' OAH, 93 S.F. Pylon SIGN.

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 [Signature] 2011.03.28
PH: 01:19-04'00'

SIGNATURE OF APPLICANT [Signature] DATE 03/28/11

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 - _____



PLANNING AND ZONING

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

STAFF REPORT

Date: April 14, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 1234 E. Ash Street - Variance Request

GENERAL INFORMATION

Applicant: Todd Huntington
Owner: Bhart Parikh
Location: 1234 E. Ash Street
Zoning: B (General Business)
Land Use
Existing: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Proposed: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Request: Authorization of a variance to increase the 25 square foot primary detached sign maximum area allowance and the 8 foot maximum height allowance per the applicable code sections to the 93 square foot area and 27 foot height respectively as proposed on the drawings provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for an increase in the detached primary sign maximum area and the maximum height allowance. The applicable code provisions allow for a detached primary sign up to 25 square feet in area and 8 feet in height. The applicant proposes to alter the existing nonconforming detached sign that has a sign area and overall height comparable to the proposed sign. However, the applicable code provisions require alterations to a nonconforming sign structure to bring the sign into conformance with the current standards. As proposed the detached sign would remain out of compliance with the applicable standards with little reduction in the nonstandard conditions currently associated with this sign. The Planning Commission has previously authorized the reconstruction of the special use restaurant fast food use.

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 14, 2011
Subject: 1234 E. Ash Street

Page 2

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?

- and -

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: The proposed detached primary sign improvements will be essentially the same as the nonconforming detached primary sign improvements that were erected prior to the comprehensive update to the community sign standards adopted in 2006; ample opportunity exist to install a detached sign that conforms to the currently adopted community standards; and, there are no peculiar or unusual circumstances found at this lot that are not found elsewhere in this neighborhood that would deny a reasonable use of the land if the detached primary sign were installed in accordance with the applicable community standards.

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 REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

Page 3

Staff Analysis: This request will not require a change in the zoning map.

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 current detached primary sign improvements were constructed prior to the adoption of the current sign standards. Since this time the community has adopted a comprehensive set of sign standards that provide businesses with sign allowances based upon community preferences and sign design characteristics relative to the signs proximity to the roadway and the typical motor vehicle operator's ability to process the advertising message with regards to the sign size location and conspicuity. It is important to recognize that the sign area and height allowance variance request has nothing to do with peculiar and unusual circumstances associated with this location, rather the sole basis for this request is the applicant's desire to maintain a sign with a height and area that exceeds the adopted community standards even when the layout of this lot affords the applicant ample opportunity to remedy the nonconforming detached primary sign conditions found at this site. It is staff's conclusion that authorizing the proposed variance...

- is not necessary to yield the property owner a reasonable use of the property
- will result in a substantial deviation from the code requirements
- will substantially alter the character of the neighborhood or be a detriment to the adjoining properties
- will adversely affect the delivery of government services

STAFF REPORT

Date: April 14, 2011
Subject: 1234 E. Ash Street

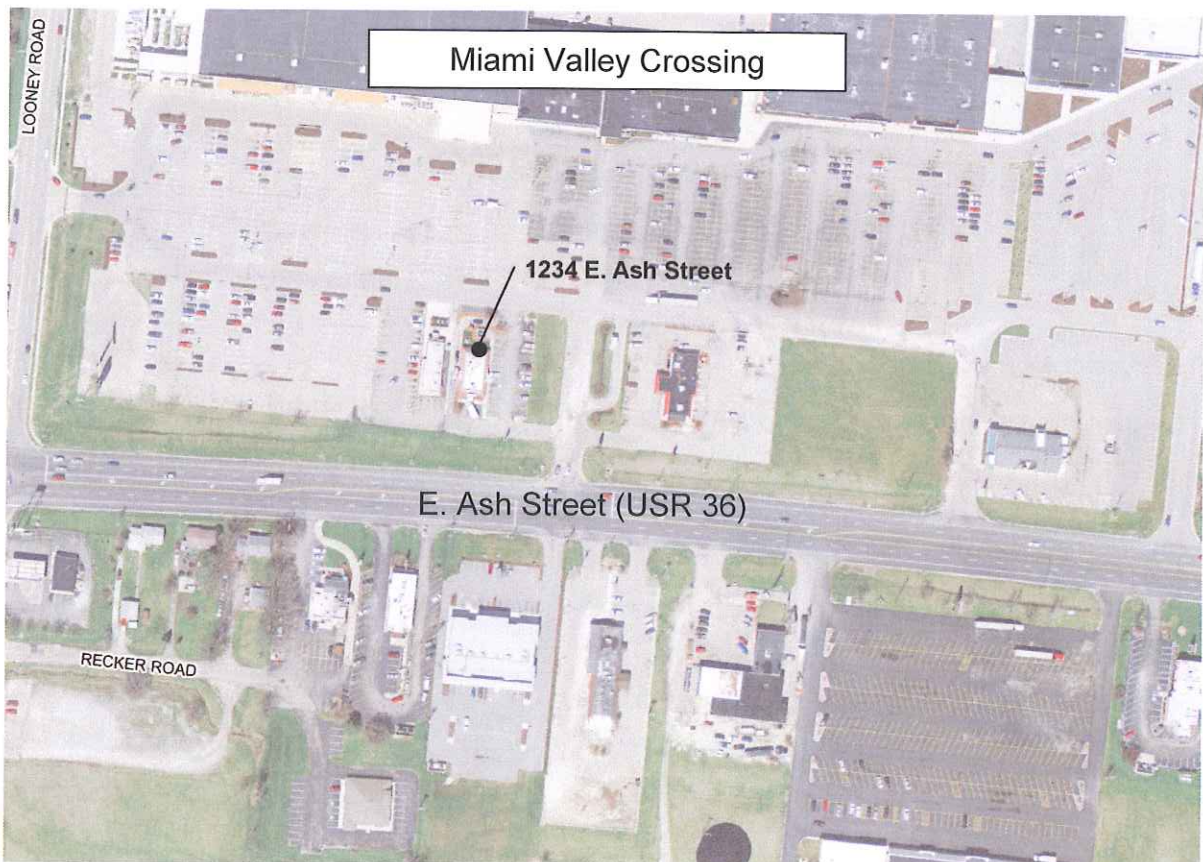
Page 4

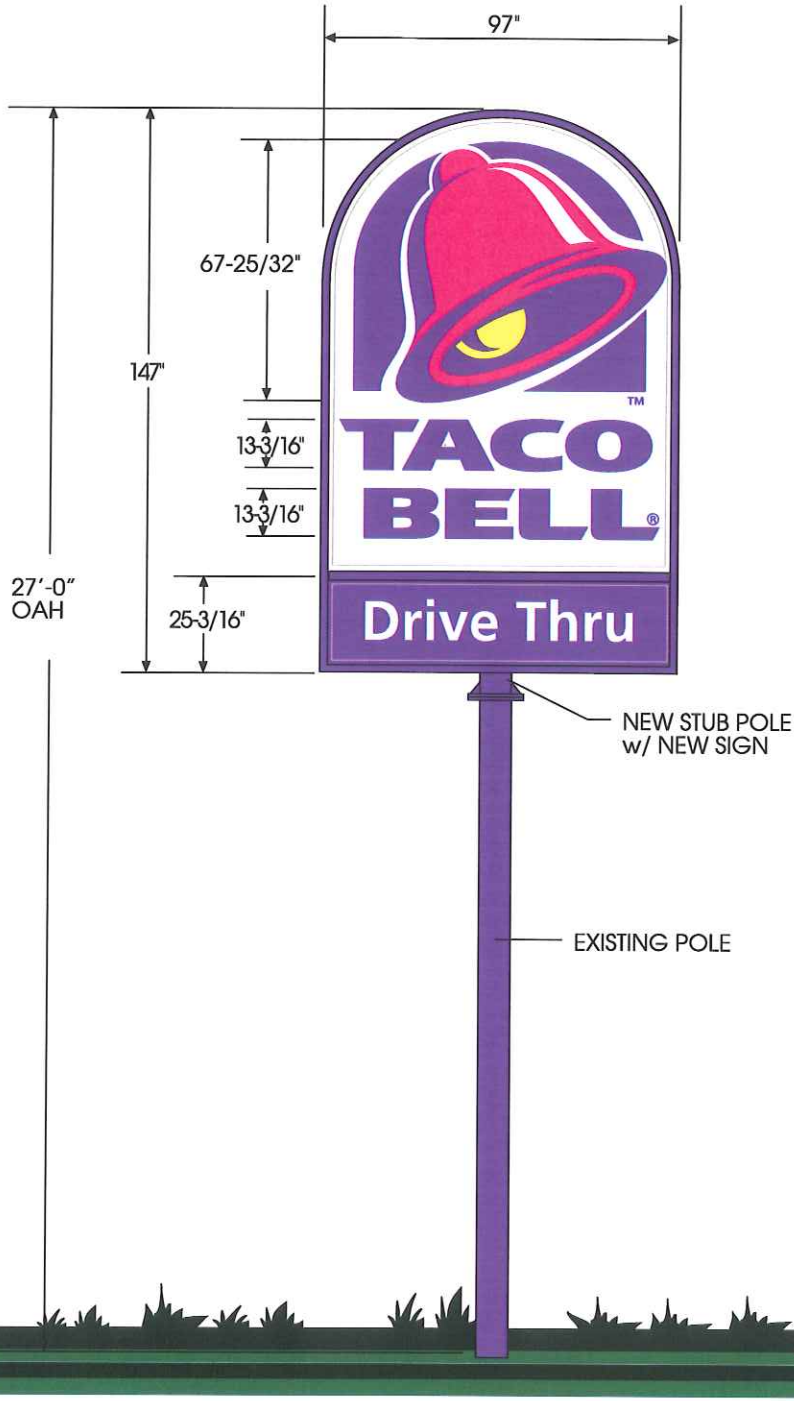
- will relieve the property owner from conforming to all other applicable standards
- will not solve a problem that cannot be remedied by other means
- will not preserve the spirit and intent of the zoning requirements and serve substantial justice with reference to the circumstances and conditions known to exist within the neighborhood concerned.

RECOMMENDATION

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

VICINITY MAP





DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

These drawings and designs are the exclusive property of Everbrite, LLC Use of, or duplication in any manner without express written permission of Everbrite, LLC is prohibited.

Customer: Taco Bell		Description: 93 Sq.Ft. Sign @ 27' OAH	Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.
Project No: 267276	Scale: 1/4"=1'-0"		
Date: 1/21/11	Drawn By: RB	Revised:	Please read carefully, check appropriate <input type="checkbox"/> Sketch OK as is box and fax back to Everbrite: <input type="checkbox"/> New sketch required
Location & Site No: 1234 E. Ash St. Piqua, OH Site: TB296301		Revised:	
		Revised:	
		SIGNATURE _____	DATE _____



BEFORE



AFTER



DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

These drawings and designs are the exclusive property of Everbrite, LLC Use of, or duplication in any manner without express written permission of Everbrite, LLC is prohibited.

Customer: Taco Bell		Description: 93 Sq.Ft. Sign @ 27' OAH	Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.
Project No: 267276	Scale: NTS		
Date: 1/21/11	Drawn By: RB	Revised:	Please read carefully, check appropriate <input type="checkbox"/> Sketch OK as is box and fax back to Everbrite: <input type="checkbox"/> New sketch required
Location & Site No: 1234 E. Ash St. Piqua, OH Site: TB296301		Revised:	
		Revised:	
		SIGNATURE _____	DATE _____

RESOLUTION No. BZA 07-11

WHEREAS, Todd Huntington, GPD Group on behalf of Bharat Parikh, owner of the Taco Bell, Inc., 1234 E. Ash St. in the City of Piqua, Ohio, being in a district zoned GB(General Business), has filed a petition for a variance to increase the maximum 32 sq. ft. menu board sign area allowance and the maximum 8 ft. menu board height allowance to 44.5 sq. ft. and 8.7 ft. at the property located at 1234 E. Ash St., Piqua, Ohio.

WHEREAS, the City of Piqua Code of Ordinances Chapter 154.081 (A) establishes that:

154.101 PERMANENT; DETACHED SIGNS.

(D) *Other regulations.*

6. Each lot shall be permitted two ground signs or monuments signs for each drive through lane located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided the sign face area of each sign does not exceed 32 square feet and the height of the signs do not exceed eight 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 for a variance to increase the maximum 32 sq. ft. menu board sign area allowance and the maximum 8 ft. menu board height allowance to 44.5 sq. ft. and 8.7 ft. at the property located at 1234 E. Ash St., Piqua, Ohio. The motion was seconded by _____ and the request was approved/denied with a vote of _____ as recorded below.

RESOLUTION No. BZA 07-11

	AYE	NAY	ABSTAIN	ABSENT
Mr. Skip Murray	<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. Daniel Patrizio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Shawn Hicks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

07-11

BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

-PLEASE TYPE OR PRINT-

APPLICANT NAME TODD HUNTINGTON, GPD GROUP
APPLICANT ADDRESS 520 S. MAIN ST., STE. 2531
CITY ALCON STATE OH ZIP 44311
PHONE (330) 572-2207
LEGAL INTEREST OF APPLICANT OWNER REPRESENTATIVE

OWNER NAME BHARAT PARIKH
BUSINESS NAME TACO BELL, INC.
OWNER ADDRESS 1900 COLONEL SANDERS LN., L-1270
CITY LOUISVILLE STATE KY ZIP 40213
PHONE (410) 775-6123

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS 1234 E. ASH ST.
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 AN 8' OAH, 32 S.F. MENU-BOARD IS PERMITTED.

PROPOSED MENU-BOARD IS 8.7' OAH, 44.5 S.F. VARIANCE FOR (0.7') AND (12.5 S.F.)

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 [Signature] DATE 2011.03.28
14:01:32 04'00'

SIGNATURE OF APPLICANT [Signature] DATE 03/28/11

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 - _____



PLANNING AND ZONING

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

STAFF REPORT

Date: April 14, 2011
To: Board of Zoning Appeals
From: Chris Schmiesing, City Planner
Subject: 1234 E. Ash Street - Variance Request

GENERAL INFORMATION

Applicant: Todd Huntington
Owner: Bhart Parikh
Location: 1234 E. Ash Street
Zoning: B (General Business)
Land Use
Existing: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Proposed: Restaurant; Fast Food, Drive Thru Lane; Parking Lot
Request: Authorization of a variance to increase the maximum 32 square foot menu board sign area allowance and the maximum 8 foot menu board height allowance by the applicable code sections to 44.5 square feet and 8.7 feet respectively as proposed on the drawings provided by the applicant.

DISCUSSION/FINDINGS

The proposed variance if approved will allow for an increase in the menu board maximum area allowance for the proposed menu board signage. The applicable code provisions allow for up to 2 menu boards with each sign having a maximum height allowance of 8 feet and a maximum area allowance of 32 square feet. Rather than install 2 separate menu boards, the applicant proposes to install one 44.5 square foot menu board sign that has a total height of 8.7 feet, which is comparable to the menu board sign conditions currently found at this location. The Planning Commission has previously authorized the reconstruction of the special use restaurant fast food use.

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

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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?

- and -

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: The proposed improvements will be essentially the same as the use of the site that has existed at this location for many years with no concerns regarding the nonstandard menu board signage; and, with reference to the history of the use of this parcel and in recognition of the surrounding uses found in this area It is staff's opinion that the requested menu board area and height variance as requested will allow for a reasonable use of the land.

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 will not require a change in the zoning map.

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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 current improvements at this site were constructed prior to the adoption of the current sign standards. Because the site was originally platted to accommodate the needs of the existing site layout and no more, any requirement that alters the menu board signage allowances will conceivably impact use of the site currently enjoyed by the property owner. One could argue that in theory this would result in an unnecessary hardship being imposed upon the property owner. It is also important to recognize that the design and configuration the site layout does not offer much of an opportunity to use two separate menu board signs as allowed by the sign code, and that the one proposed menu board sign will be less in overall area than what the combined total of the two permissible menu board signs would be. Further considering that the menu board accessory use to the restaurant fast food use has existed at this location for many years with no concerns having been raised previously concerning the menu board size or height, and considering the proposed improvements will represent a significant reinvestment in the site and the community in general, 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

STAFF REPORT

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- will not relieve the property owner from conforming to all other applicable standards
- will solve a problem that cannot 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

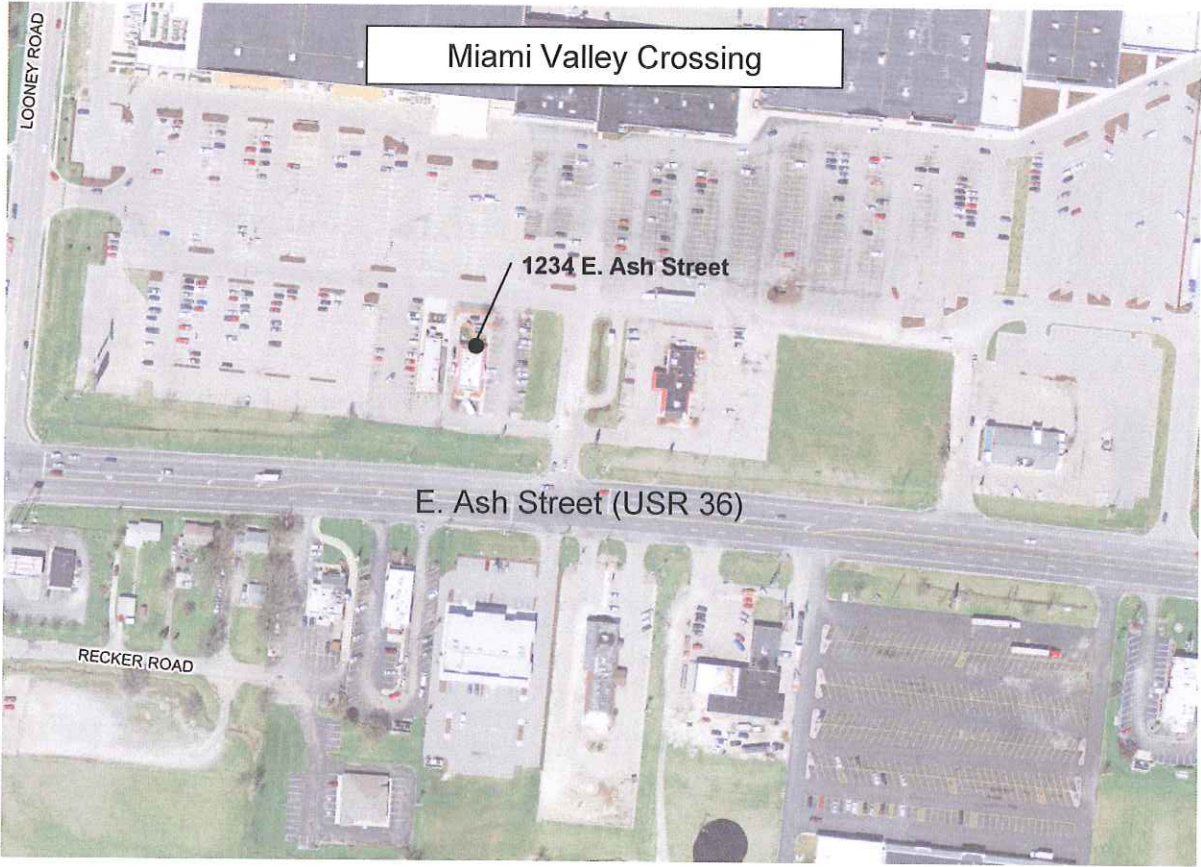
Staff recommends that the Board of Zoning Appeals **approve** the requested variance.

VICINITY MAP

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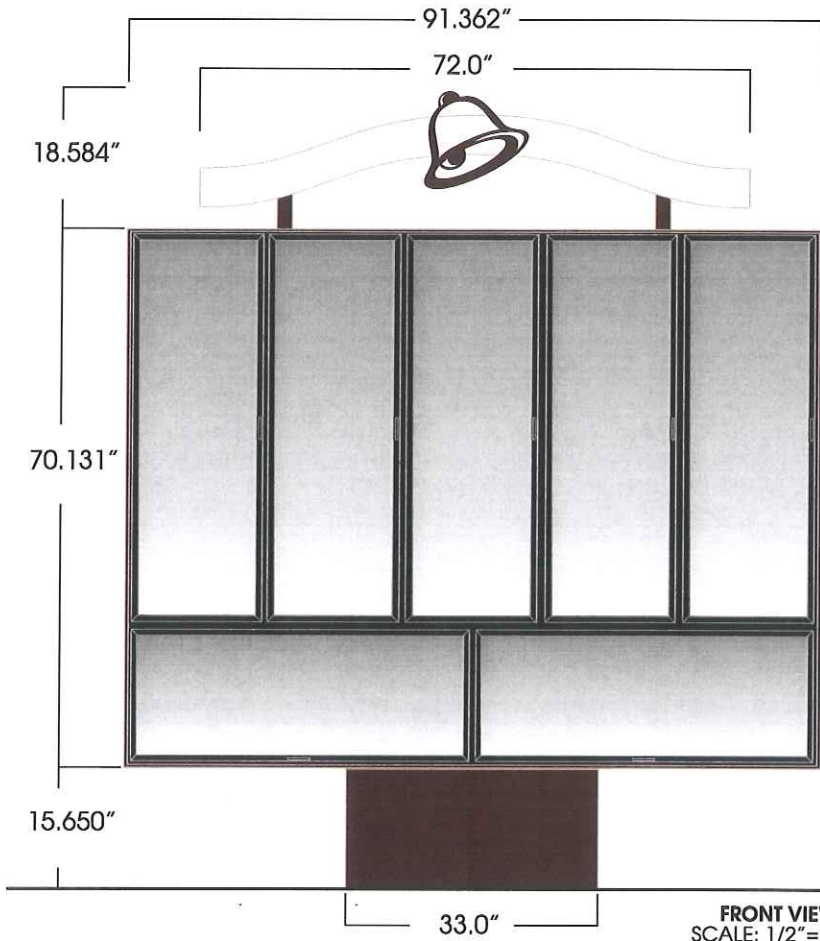




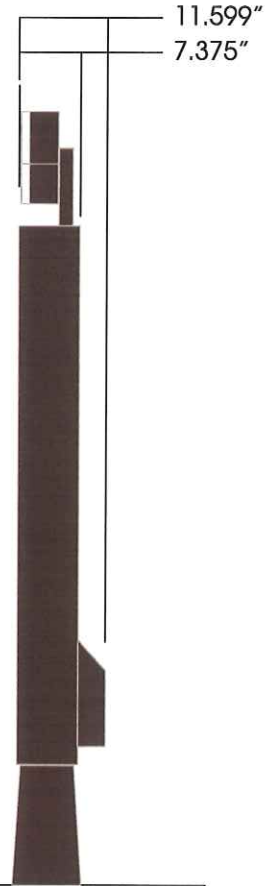
EVOLUTION DRIVE THRU MENU BOARD W/ ARCH



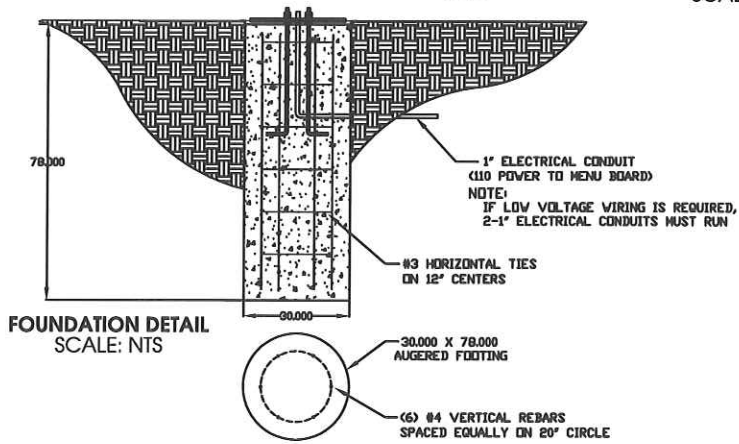
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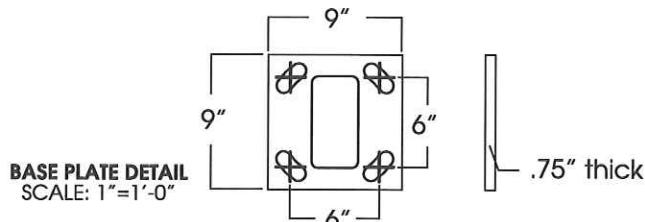
FRONT VIEW
SCALE: 1/2"=1'-0"



SIDE VIEW
SCALE: 1/2"=1'-0"



FOUNDATION DETAIL
SCALE: NTS



BASE PLATE DETAIL
SCALE: 1"=1'-0"

SIGN SPECIFICATIONS

Materials

- Cabinet: Extruded aluminum
- Face: .150 S/G Polycarbonate

Access

- Open doors & remove panels

Area

- Squared: 66.44 Sq.Ft.

Weight (Est.)

- 790 lbs. Crated

Wind Load

- 50 PSF, 150 MPH wind speed - exposure C.

ELECTRICAL SPECIFICATIONS

Lamps

- (4) F025/741 36" 4100K, (10) F032/741 48" 4100K

Ballast

- (7) Electronic ballasts @ .56 amps each
- (1) Electronic ballast @ .17 amps

Line Load

- 4.09 Amps @ 120 VAC
- (1) 15 Amp circuit, 60 Hz UL 48 & NEC Compliant

COLOR SPECIFICATIONS

Interior: Mill Finish

Exterior: Cabinet: Tiger Drylac 49/66230-33 Bronze

Doors & Mullions: Black

Graphic & Color Specifications:
Tiger Drylac 49/66230-33 Bronze



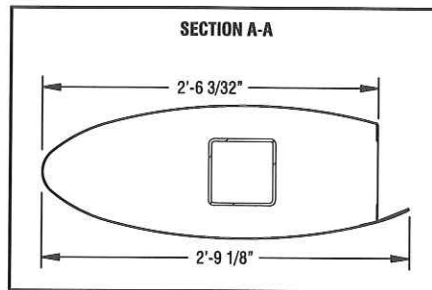
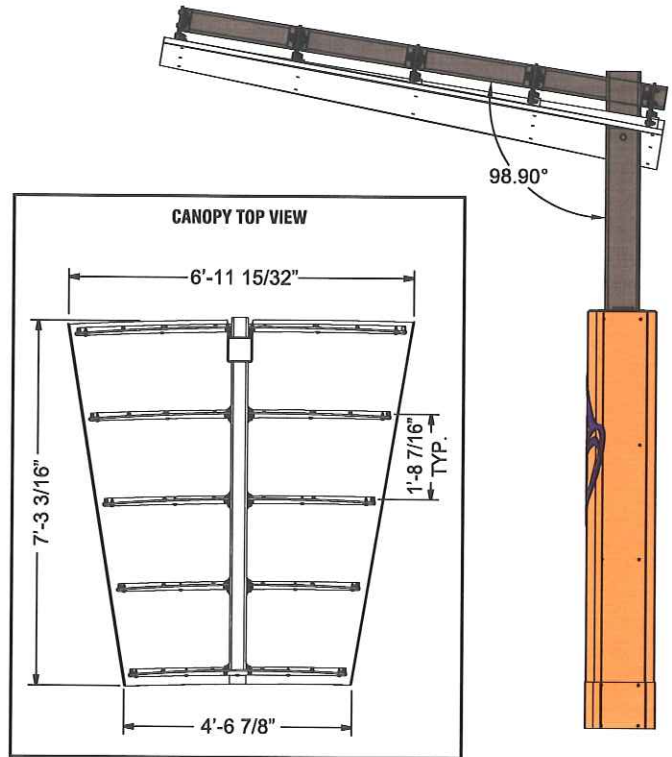
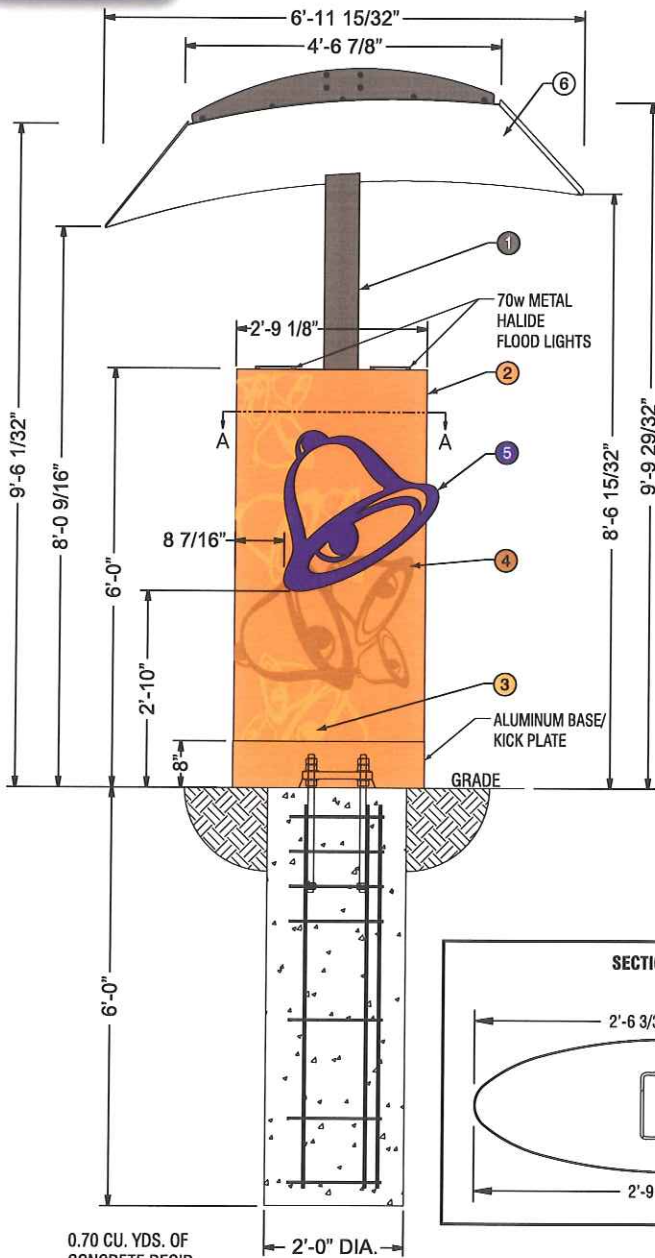
DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications & install drawings.

235729



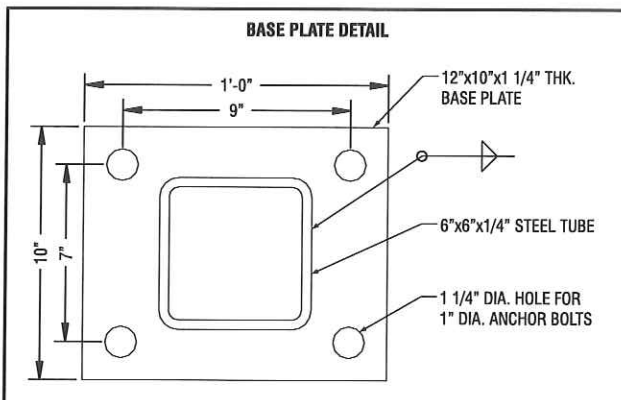
TB EVOLUTION DT CANOPY

V-320



0.70 CU. YDS. OF CONCRETE REQ'D

2'-0" DIA.



DESIGN PARAMETERS:

- Structural adequacy shall be the manufacturer's responsibility using the following criteria:
- 110 mph wind speed 3-second gust-Exposure C.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with latest edition national building codes and standards (IBC, AISC, ASCE 7, ACI & Aluminum Design Manual)
- Refer to written documentation for material specifications

TB EVOLUTION DT CANOPY

- .125 Polycarbonate base with screened decoration second surface
- 1/8" Aluminum formed bell mounted to face
- 6"x6"x1/4" Steel tube column
- 4"x4"x1/4" Steel tube horizontal canopy support
- .063 Aluminum canopy deck
- 1/4" Steel rib plates - rafters
- Removable shroud for install - bottom "kick plate"
- Aluminum cladding close off - end panel

Electrical:

- Lamps: (2) Flood lights - 70w Metal Halide
- Circuits: (1) 20 amp circuits 60 HZ - UL 48 & NEC compliant

GRAPHIC & COLOR SPECIFICATIONS:

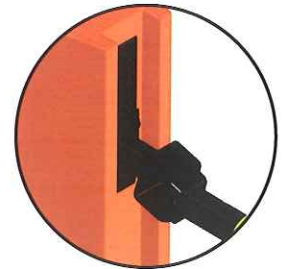
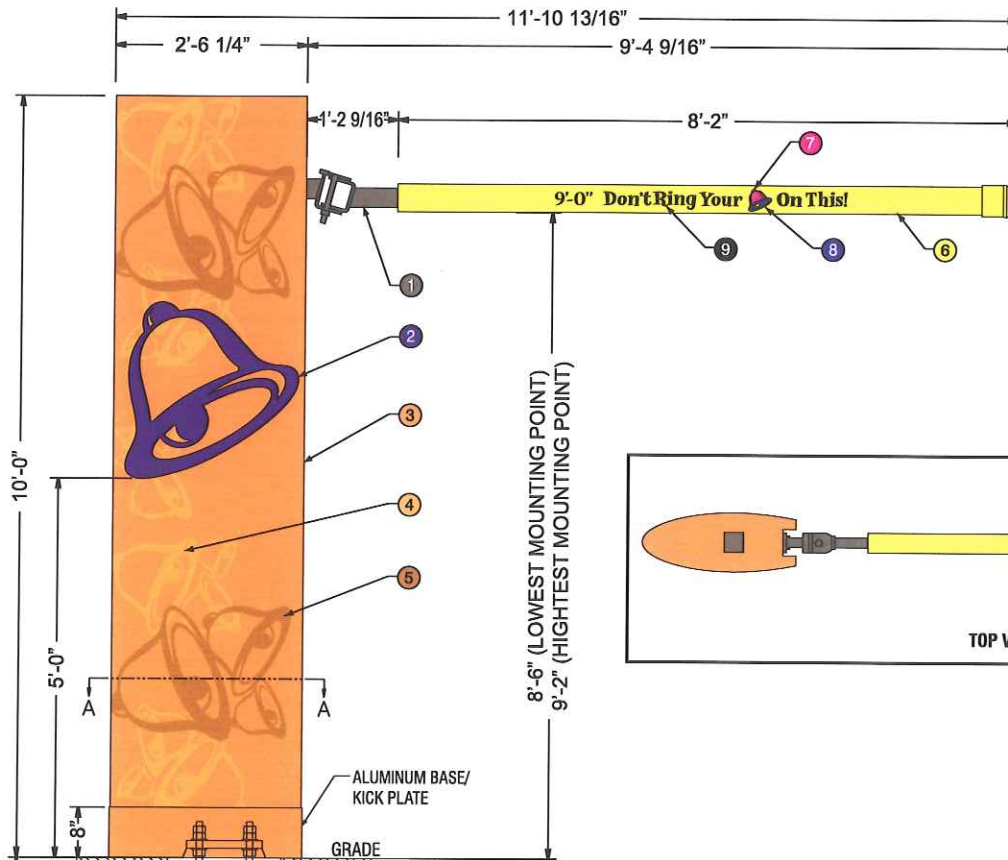
- COLOR
- ① TB Bronze Tiger Drylac 49-66230 C33
 - ② Amber Wave SW-6657 PMS 138U
 - ③ PMS 131U
 - ④ PMS 139U
 - ⑤ Plum PMS 2685U
 - ⑥ White Matte

NOT FOR CONSTRUCTION
REVISED 04/27/10

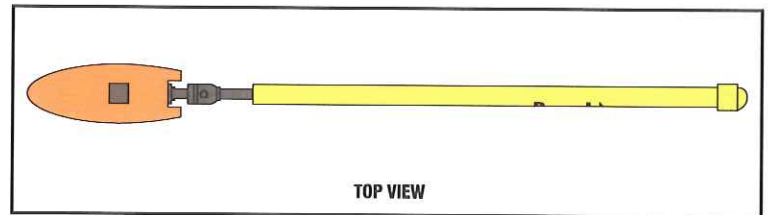


TB EVOLUTION DT PORTAL

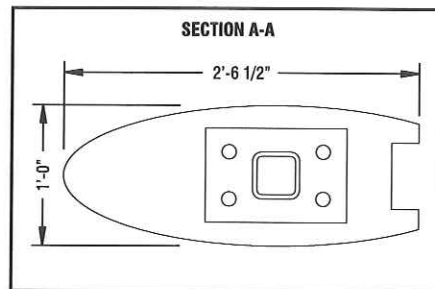
V-319



ADJUSTABLE MOUNTING PLATE & HINGE ASSEMBLY

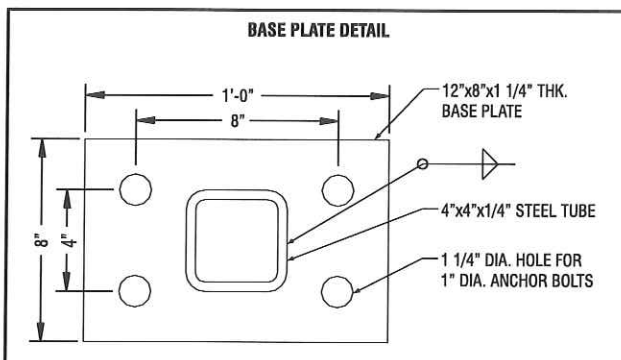


TOP VIEW



0.33 CU. YDS. OF CONCRETE REQ'D

1'-6" DIA.



DESIGN PARAMETERS:

- Structural adequacy shall be the manufacturer's responsibility using the following criteria:
- 110 mph wind speed 3-second gust-Exposure C.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with latest edition national building codes and standards (IBC, AISC, ASCE 7, ACI & Aluminum Design Manual)
- Refer to written documentation for material specifications

TB EVOLUTION DT PORTAL

- .125 Polycarbonate base with screened decoration second surface
- 1/8" Aluminum formed bell mounted to face
- 4"x4"x1/4" Steel tube column
- Adjustable mounting plate and hinge assembly for clearance bar
- 4" PVC tube sleeved over 2"x3" steel tube for clearance bar
- Removable shroud for install - bottom "kick plate"
- Aluminum cladding close off - end panel

GRAPHIC & COLOR SPECIFICATIONS:

COLOR

- ① TB Bronze Tiger Drylac 49-66230 C33
- ② Plum PMS 2685U
- ③ Amber Wave SW-6657 PMS 138U
- ④ PMS 131U
- ⑤ PMS 139U
- ⑥ Yellow PMS 108U
- ⑦ Pantone Process Magenta U
- ⑧ Pantone Violet U
- ⑨ Pantone Black

NOT FOR CONSTRUCTION
REVISED 04/27/10

BOARD OF ZONING APPEALS
Opening Comments By Chair
Last Updated: April 16, 2008

Introduction

Be advised, the Board of Zoning Appeals acts as a quasi-judicial body, hearing appeal matters and request for code exceptions. Testimony will be accepted from all persons interested in speaking on an item. Persons interested in speaking will be asked to approach the lectern to state their name, address and interest in the matter at hand. All testimony shall be directed to the chair, be relative to the item of business being discussed, and be presented with conduct appropriate to this setting. Any person exhibiting behavior deemed inappropriate by the chairperson of this body will be ordered to leave the premises. Once all persons wishing to speak on matter have spoken the floor will be closed and the board will deliberate amongst themselves before taking final action on the item.

Order Of Business

The order in which business will be conducted shall be as follows:

- (1) The minutes of the previous meetings will be reviewed and acted upon
- (2) Old business will be conducted
- (3) New business will be conducted
- (4) Other business will be conducted
- (5) The meeting will be adjourned

Conduct Of Hearing for Variance and Appeal Items

A modified Roberts Rules of Order will be used in hearing the items of business:

- (1) The clerk will read the agenda item
- (2) Staff will comment and respond to questions from the board
- (3) Applicant will comment and respond to questions from the board
- (4) Public will be given an opportunity to comment
- (5) Public comment will be closed
- (6) The board will deliberate on the item. During this time the chair may request witnesses to return to the lectern to respond to additional questions from the board.
- (7) Upon hearing a motion the board will stop discussions on the matter and the chair will ask if there is a second. Hearing a motion and second, the chair will ask the clerk to call the role and vote on the motion will be recorded.

BOARD OF ZONING APPEALS
Opening Comments By Chair
Last Updated: April 16, 2008

If there are no objections from anyone in attendance to the aforementioned meeting procedures would everyone present please stand and raise your right hand to be sworn in.

“Let it be known that all persons present to provide testimony at this (insert date here) meeting of the Board of Zoning Appeals hereby swear or affirm said testimony will be the whole truth and nothing but the truth.”

All those in agreement please say I do.

All those opposed please say opposed.

Thank you. You may be seated.

Note – If any person indicates they are opposed to the conditions of the oath, ask that person to approach the lectern and state for the record their name, address and the reason for their opposition. Thank them and ask them to be seated.

If you have not already recorded your name and address information in the guest sign-in book at the rear of the room we ask that you please do so before exiting the meeting. This information becomes part of the permanent record and documents who was in attendance at the meeting.

BOARD OF ZONING APPEALS
Procedures, Rules, and Regulations
Adopted August 6, 2002

A. GENERAL GOVERNING RULE

A. City of Piqua Codified Ordinances Chapter 154 – Zoning

This board shall follow the provisions of the of the Piqua, Ohio Code of Ordinances, Title XV: Land Usage Chapter 154: Zoning, and amendments thereto.

All Board of Zoning Appeals members shall thoroughly familiarize themselves with the above referenced section of the City of Piqua Code of Ordinances.

The guidelines set forth in this document are to promote consistency in the processing of materials for, and administration of this board. Failure of the Board or Secretary to comply with any of the deadlines, or policy contained herein shall not compel the approval or disapproval of any matter before the board.

B. OFFICERS AND DUTIES

1. Selection

1.1. Chairman. The Chairman and Vice-Chairman shall be elected annually, in the month of January, or at the first regularly scheduled meeting held during any given calendar year in the event the January meeting is cancelled due to lack of business, by a majority vote of the Board of Zoning Appeals and shall serve for the calendar year.

1.2. Secretary. The secretary shall be an employee of the City of Piqua.

2. Duties

2.1. Duties of Chairman.

2.1.1. The chairman, or in his absence, the Vice-Chairman shall preside at all meetings. The chairman, subject to this policy, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time, and shall perform all other duties required by this policy.

2.2. Duties of the Secretary.

2.2.1. The Secretary, subject to direction of this Board, shall conduct all correspondence of the Board, shall keep all records; shall send all notices required by law, the City of Piqua Charter and Codified Ordinances, the Board of Zoning Appeals Procedure, Rules, and Regulations, or as requested by the Board.

2.2.2. The Secretary shall accept and review for completeness all applications required by this Board and initiate the necessary administrative steps to be taken for setting and holding a public hearing.

2.2.3. Upon receipt of a completed application, the Secretary shall set the earliest regular meeting of this Board as is practicable, as the date of hearing for such application, but such hearing in no case shall be set prior to the preliminary steps being taken as required by the Board of Zoning Appeals Procedures, Rules, and Regulations of Piqua, Ohio.

BOARD OF ZONING APPEALS
Procedures, Rules, and Regulations
Adopted August 6, 2002

2.2.4. Upon receipt of such application and the setting of the date for hearing thereon, the Secretary shall cause notice to be given of such hearing in accordance with section C "Meetings".

2.3. Duties of the Board.

2.3.1. Purpose. To uphold the zoning code and property maintenance code with the intended purpose of each, which is to promote and protect the public health, safety and general welfare of the City.

2.3.2. Appeal. An appeal of the Board's decision may be made by the applicant or the City to the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

2.3.3. Standard of Review. The court does not have a trial de novo (new trial) but rather looks at the record to determine if the board's decision was supported by a "preponderance of substantial, reliable and probative evidence" or whether the decision was "arbitrary, capricious and unreasonable."

C. MEETINGS

1. Time of Meetings

1.1. The regular meetings of this Board shall be held at as stated in the Board of Zoning Appeals annual meeting calendar established each January by the board.

1.2. The Secretary or Chairman may call special meetings when necessary to ensure the timely conduct of business, with the concurrence of three board members The Secretary shall give notice in accordance with section C-2 "Notice to Meetings".

2. Notice of Meetings

2.1. Notice to Commission Members.

2.1.1. Written notice of regular and special meetings, as specified under section B-2.2 "Duties of Secretary", shall be given at least five (5) days prior to such meeting and such notice shall include a proposed agenda for such meetings, together with any information that may be determined by the Secretary or Chairman as necessary.

2.2. Notice of Affected Parties

2.2.1. Within five (5) business days from the date of submittal the Secretary shall complete a review of the applicant's submittal to make sure it is complete and that all necessary information is included. . When application for consideration is submitted to the Board and a public hearing date is set, the applicant and the property owners adjacent to the affected property shall be notified in writing no less than ten (10)

BOARD OF ZONING APPEALS
Procedures, Rules, and Regulations
Adopted August 6, 2002

days prior to the meeting time and date the item is to be considered by the Board, or as prescribed by the Code of Ordinances, whichever notice is greater.

2.3. Notice of News Media and Others

2.3.1. The Secretary of this Board shall furnish to any persons or organizations requesting such information the date, time, place and proposed agenda of all regular and special meetings. In addition to providing such information in person or by telephone, the Secretary shall cause the date, time, place, and proposed agenda to be posted in a public location, and on the City of Piqua internet web site.

2.3.2. When application for consideration is submitted to the Board and a public hearing date is set, the meeting time, date, place and agenda item shall be made known to the local newspaper(s), local radio and television station(s), and any other local media outlet(s).

3. Conduct of Hearings

3.1. Meetings Shall Be Open to Public: All meetings held by the Board shall be open to the public. An attendee log sheet will be located near the entrance for all persons in attendance to sign in.

3.2. Attendance: All Board members shall make an effort to attend. In the event a board member is absent from a meeting, the board shall make a motion to excuse the absent member.

3.3. Quorum: Three (3) members of this Board shall constitute a quorum.

3.4. Order of Business: The order of business at regularly scheduled meetings shall be substantially as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Remind Guest To Sign Attendee Log Sheet
- (4) Conduct of Hearings/Order of Business
- (5) Review of Minutes of Previous Meetings
- (6) Old Business
- (7) New Business
- (8) Other Business
- (9) Adjournment

3.5. Voting: On any question put to a vote, each member including the chairman shall cast a vote, either for or against the issue, or abstaining from the vote. A member aware of a conflict of interest or conflict of office shall withdraw from all deliberation and decisions. When the case is introduced the member shall address the Chairperson, declare that a conflict exists, and withdraw from participation by leaving the meeting room and returning after the vote has been taken. All actions of the Board shall have the concurrence

BOARD OF ZONING APPEALS
Procedures, Rules, and Regulations
Adopted August 6, 2002

of the majority of the board members. A tie vote or a vote with only two (2) ayes to one (1) nay will result in the defeat of the item due to a lack of the majority of the board acting in favor of the resolution. Variance request may be granted or denied by the board with the board specifying the reason for their action for the record. In an administrative appeal case the board may affirm, modify, or reverse the decision of the enforcing official.

3.6. Applications: When application for consideration is submitted, this Board may act upon the item at said hearing, or table the item for consideration at a future meeting, so long as the Board acts upon the request within a reasonable amount of time, in no instance holding more hearings than what would exceed the specified amount of time for which any particular type of application must be acted upon as stated in the City of Piqua Charter or Code of Ordinances.

3.7. Minutes: The Secretary shall keep minutes of the proceedings of this Board, showing the vote upon each motion or if a member is absent or abstaining or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be public record and filed in the custody of the Secretary of this Board.

3.8. Motions to Table:

3.8.1. A motion to table will take precedence over all other motions and is non-debatable.

3.8.2. A motion to table can be removed at any time and must be removed by motion.

3.9. Rules of Decorum:

3.9.1. The speaker will address the body in a respectful and polite manner.

3.9.2. The speaker will cease speaking at the direction of the chair.

3.9.3. The speaker will not to speak over any board member.

3.9.4. The speaker will only speak on issues relevant to the request.

3.9.5. The speaker will not attack or address any board member directly. All questions will go through the chair and then be redirected at the discretion of the chair.

D. APPLICATIONS.

BOARD OF ZONING APPEALS
Procedures, Rules, and Regulations
Adopted August 6, 2002

1. General Requirements: All applications shall be legible and verified by the applicant attesting to the truth and correctness of all of the facts and information presented with such application. Such application shall be submitted and made on forms furnished by the Secretary of this Board.
2. Specific Requirements: Such applications filed with this Board shall follow the specific requirements of the City of Piqua Charter and Code of Ordinances.
3. Notice: Notice shall be given in accordance with section C-2 "Notice of Meetings", above.
4. Conduct of Hearings
 - 4.1. Appearance. Any person may appear in person or by agent, or attorney, at the time of this Boards consideration of the application.
 - 4.2. Order of Business. At such hearing in consideration of an application, the order of business shall be a Modified Roberts Rules of Order substantially as follows:
 - (1) Statement of the agenda item by the Secretary or Clerk of the Commission.
 - (2) Statement of staff comments by the Secretary.
 - (3) Statement of applicant comments by the Applicant or their agent, or attorney if so desired.
 - (4) Statement of comments by other affected parties if present, and if so desired.
 - (5) Statement of board comments by the Board members.
 - (6) Act upon the application, approving, denying, or tabling the appropriate motion in accordance with section C-3.5 "Voting" and C-3.6 "Applications", above.

E. DETERMINATION

1. Notice of Decision. A letter stating this Boards decision shall be mailed to the applicant within five (5) business days from the date the application is acted upon. Copy of the acted upon resolution shall be maintained in the custody of the Secretary, certified copies of which shall be available to the public upon request.

F. RECORDS

1. Required Records. The Board shall keep the minutes of the proceedings showing the vote of the members on each question, or, if absent or if failing to vote indicating such fact, and shall keep records of its official actions, all of which shall be of public record. In addition, the meetings shall be recorded with an audio recording device, copy of said recording available upon request with reasonable time allowed for the creation of a copy of the recorded audio.

BOARD OF ZONING APPEALS

Procedures, Rules, and Regulations

Adopted August 6, 2002

2. Maintenance of Records. The Secretary shall be the custodian of this Board's records and shall file such in the office of the City of Piqua, Ohio Engineering Department.
3. Maintenance of Preliminary Plans. The Secretary shall be the custodian of a file the same as hereinabove provided in section F-2 "Maintenance of Records", including copies of preliminary plans and other documents necessary for exercising the continuing jurisdiction of this Board.

END OF DOCUMENT

Revised	May 15, 2007	Section C 1.1 Meeting time amended
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Revised	November 27, 2007
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BOARD OF ZONING APPEALS

CODE OF ETHICS

DRAFT – March 2, 2007

A. Public Interest

Board of Zoning Appeals Process Participants should:

1. Recognize the rights of citizens to participate in the decision making process;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on issues and the opportunity to have a meaningful input in the discussion;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

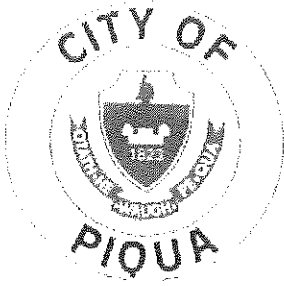
B. Standards of Integrity and Proficiency

Board of Zoning Appeals Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve;
3. Define "personal interest" broadly to include any actual or potential significant benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision that any citizen of ordinary status would not also obtain from the same planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave the commission area in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law or regulation; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

END OF DOCUMENT



PLANNING AND ZONING

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

April 15, 2011

Todd Huntington
GPD Group
520 S. Main St., Ste. 2531
Akron, OH 44311

*** 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.

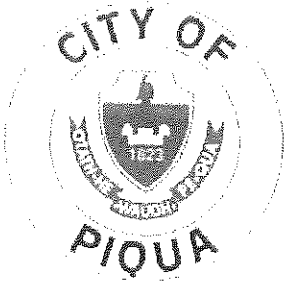
TIME: **6:00 P.M.**
DATE: **Tuesday, April 26, 2011**
LOCATION: **Commission Chambers, Municipal Government Complex
201 W. Water Street**

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.

Christopher W. Schmiesing
City Planner

Enc.



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April 15, 2011

Harvey Tolson
6591 W. Central, Ste. 100
Toledo, OH 43617

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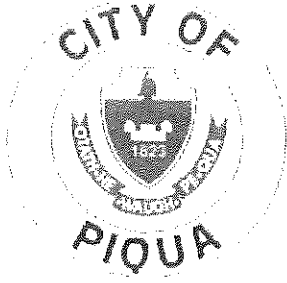
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April 15, 2011

Occupant
1200 E. Ash St.
Piqua, OH 45356

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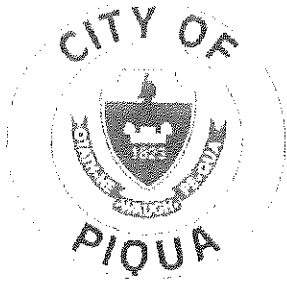
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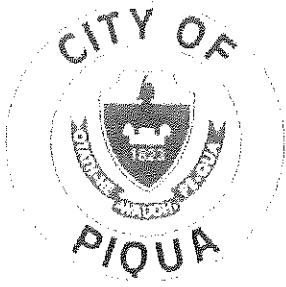
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April 15, 2011

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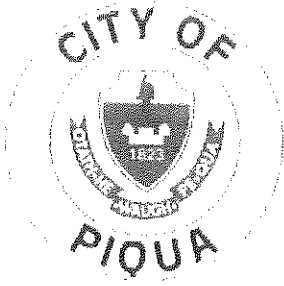
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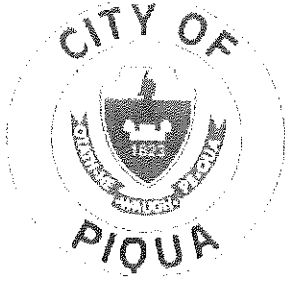
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APRIL 26, 2011
 BZA MEETING MAIL LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
	TODD HUNTINGTON, GPD GROUP	520 S. MAIN STREET, STE. 2531	AKRON, OH 44311
	HARVEY TOLSON	6591 W CENTRAL STE. 100	TOLEDO, OH 43617
	OCCUPANT	1200 E. ASH STREET	PIQUA OH 45356
	OCCUPANT	1232 E. ASH STREET	PIQUA OH 45356
	OCCUPANT	1230 E. ASH STREET	PIQUA OH 45356
	OCCUPANT	1234 E. ASH STREET	PIQUA OH 45356
ENTIRE PACKET TO:			
	FRED ENDERLE	E-GOV	
	CHRIS SCHMIESING	E-GOV	
	CHRIS BOEKE	E-GOV	
	STACY WALL	E-GOV	
	BOARD OF ZONING APPEALS	E-GOV	
E-MEETING NOTICE TO:			
	AMY WELKER	E-GOV	
	BILL MURPHY	E-GOV	
	CITY COMMISSION	E-GOV	
	DEAN BURCH	E-GOV	
	DEBBIE STEIN	E-GOV	
	FRED ENDERLE	E-GOV	
	LORNA SWISHER	E-GOV	
	MARTIN KIM	E-GOV	
	BRUCE JAMISON	E-GOV	
	PIQUA DAILY CALL	E-GOV	
	DAYTON DAILY NEWS	E-GOV	
	WPTW	E-GOV	
	PIQUA CHANNEL 5	E-GOV	
	MIAMI COUNTY HOME BUILDERS ASSOCIATION	E-GOV	