

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –November 15, 2022, Mtg.

The Miami Township Zoning Commission held its monthly meeting on Tuesday, November 15, 2022, at the Miami Township Administrative Offices, 101 E Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian Corry (vice-chairman), Dale Amstutz, Joe Fulton, and Gregory Shrader; Township Zoning Inspector Richard Zopf; township resident Steve Wirrig; and minute-taker Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:02 p.m. The Commissioners reviewed the (revised) minutes of their 8/16/22, meeting; upon motion and second, they approved same. The Commissioners reviewed the minutes of their 9/20/22, meeting; upon motion and second, they approved same.

Mr. Corry welcomed Mr. Wirrig to the meeting, and Mr. Wirrig introduced himself to the group.

Mr. Corry summarized the Commission’s work to date in reviewing/revising/up-dating the Miami Township Zoning Resolution. The Commissioners then resumed their consideration of subsections 18.5 and 18.51 (Temporary Exceptions) of same. Subsection 18.5 provides that the Township Board of Zoning Appeals (BZA) shall have the power to grant a landowner a temporary exception to allow a one-time use of land not otherwise authorized/allowed under the Resolution as a principal or conditional use. The Resolution does not include any criteria as to when a temporary exception to the Township’s land-use regulations might be appropriate, or otherwise provide guidance to the BZA with respect to its decision-making. The Commission has compared this temporary exception provision of the Miami Township Zoning Resolution with corresponding provisions adopted by neighboring townships (principally Xenia Township and Cedarville Township, both of which provide specific examples of when a temporary exception to its land-use regulation might be appropriate; Bath Township has no comparable provision in its zoning resolution). Mr. Amstutz opined that Miami Township could improve its Zoning Resolution by amending the temporary exception provision to more closely resemble the comparable provisions of Xenia and Cedarville Townships. Mr. Corry and Mr. Wirrig agreed that both Xenia Township and Cedarville Township vest the authority to grant temporary exceptions in the township zoning inspector rather than the township BZA.

Mr. Wirrig questioned the need to amend this provision of the Zoning Resolution, noting that the Miami Township BZA has hardly been overwhelmed by requests to grant temporary exceptions (his recent requests to accommodate comedy shows/performances on his property off U.S. Route 68 North being the only such requests in recent years, if not ever). He further suggested that the provision in the Resolution allowing temporary exceptions to the strict enforcement of the Township’s land-use regulations was consistent with, and actually furthered, the Township’s oft-stated goal of preserving agricultural land.

Mr. Amstutz suggested that Mr. Wirrig’s repeated resort to the Resolution’s temporary exception provision to accommodate performances on his property appears to be inconsistent with the concept that an exception to the regulatory scheme should actually be “temporary”. Mr. Corry opined that the largely undefined/unlimited nature of the current temporary exception provision is problematic, and that this provision can be expected to increasingly be relied upon (exploited?) by landowners seeking to host a variety of potentially profitable activities/uses not authorized/allowed under the zoning applicable to their property.

At length, Mr. Corry thanked Mr. Wirrig for attending the meeting and asked him to present his arguments in writing so that the Commissioners could study his position as they continue to consider changes to the Miami Township Zoning Resolution. Mr. Wirrig agreed to do so, and thanked the Commissioners for their consideration.

The Commissioners continued their discussion of subsections 18.5 and 18.51 of the Resolution. Subsection 18.51 (dealing with temporary structures) actually embraces a different subject than subsection 18.50, and should perhaps be relocated to the end of Section 14 of the Resolution (placing the issue of temporary structures within the jurisdiction of the zoning inspector); a final decision on that issue was deferred. The Commissioners will continue to consider amending subsection 18.50 of the Resolution to provide guidance to the BZA with respect to the granting of temporary exceptions to the Township’s land-use regulations.

The Commissioners scheduled their next meeting for Tuesday, December 20, 2022, and adjourned the meeting.

Brian Corry, Vice-Chairman

Charles Swaney (secretary for meeting)