

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –February 21, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, February, 21, 2023, at the Miami Township Administration Office, 101 E Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian Corry (Chairman), Dale Amstutz, and Joe Fulton; Township Zoning Inspector Richard Zopf; township residents Steve Wirrig and Stacy Wirrig; and minute-taker Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:04 p.m. The Commissioners reviewed the minutes of their 1/17/2023, (annual business) meeting; upon motion and second, they approved same.

Mr. Zopf submitted the zoning inspector's annual report summarizing Miami Township zoning-related activity during calendar year 2022. Although the report is primarily for the benefit of the township trustees, it is customarily also reviewed by the Zoning Commission. Mr. Zopf detects no discernable pattern to development in the Township, but noted that the value of new construction continues to increase from year-to-year. Mr. Corry thanked Mr. Zopf for his report and observations.

Mr. Corry opined that the Commission's January meeting with 2 of the 3 Township Trustees and 4 of the 5 members of the Township Board of Zoning Appeals (BZA) was productive. Their comments should prove helpful as the Commission continues to consider revisions to the Township Zoning Resolution.

Mr. Corry summarized the Commission's months-long consideration of subsection 18.52 of the Miami Township Zoning Resolution (Temporary Structures and Uses). Given Greene County Regional Planning Commission's recommendation that the Zoning Resolution retain a temporary use exception provision, and BZA members' criticism that existing subsection 18.52 does not provide sufficient guidance to the BZA to assist it when considering an application for a temporary use exception, the Commission has concluded that revision of the existing temporary use provision is appropriate. The Commissioners have reviewed and compared the temporary use exception language employed by neighboring zoning authorities, including Cedarville and Xenia Townships and Clark County, and have reviewed a draft proposal submitted by Steve Wirrig, an interested Miami Township resident. At the Commission's request, Mr. Zopf consulted the Greene County Prosecutor's Office: the assistant prosecutor's advise dovetails with the developing consensus among the Commissioners that the allowance of a temporary use exception should fall under the purview of the zoning inspector (via a permit or certificate) rather than the BZA, and that the Zoning Resolution should provide some guidance/examples/parameters to assist the inspector with his determination that a temporary use exception is (or is not) appropriate.

A principal concern in evaluating an application for a temporary use exception must be the commercial nature of the proposed activity. A proliferation of applications for temporary use permits may occur as landowners seek to capitalize on the seemingly increasing appetite/demand for non-traditional commercial activity within the rural areas of the Township.

The Commissioners and Mr. Wirrig discussed the frequency of the comedy shows which he has hosted on his property in recent years, and his proposal for revision of Section 18.52. Mr. Wirrig provided the Commissioners with a copy of an economic impact study of the shows. He suggested that the conditions precedent mandated in his proposed revision of Section 18.52 would discourage most landowners from trying to take commercial advantage of what might otherwise be a permitted temporary use of their property.

Mr. Corry asked the Commissioners to study Mr. Wirrig's proposal, and the temporary use provisions in the Cedarville Township and Xenia Township Zoning Resolutions, in preparation for a continued discussion of this matter at their March 21, 2023 meeting. The meeting was adjourned at 8:50 p.m.

Brian Corry, Chairman

Charles Swaney (secretary for meeting)