

MIAMI TOWNSHIP ZONING COMMISSION
Minutes --January 17, 2023, Mtg.

The Miami Township Zoning Commission held its annual business meeting on Tuesday, January 17, 2023, at the Miami Township Administration Office, 101 E Herman Street, Yellow Springs, Ohio. Present were Commissioners Fred Legge (chairman), Brian Corry (vice-chairman), and Dale Amstutz; Miami Township Trustees Marilan Moir and Don Hollister; Miami Township Board of Zoning Appeals (BZA) members Geof Garrison, Barbara Krabec, David Neuhardt, and Richard Silliman; Miami Township Zoning Inspector Richard Zopf; Township residents Steve Wirrig and Alex Klug; and minute-taker Charles Swaney.

A quorum being present, Mr. Legge called the meeting to order at 7:00 p.m.; facilitated introductions; and thanked the Township Trustees and BZA members for their attendance. He explained that the Commissioners had invited the Trustees and BZA members to attend the meeting to discuss matters of mutual interest, namely current and potential future Township zoning issues. Referencing the Zoning Commission's by-laws, Mr. Legge noted the business to be conducted at this first meeting of the new year: review of 2022 proceedings; election of officers; and discussion/identification/outline of matters to be considered by the Commission during 2023.

Mr. Legge summarized the Zoning Commission's mission, and outlined its activities/operations during 2022. He emphasized the Commission's ongoing efforts to revise/update the Miami Township Zoning Resolution to better reflect the objectives described in the Miami Township Comprehensive Land Use Plan, principally preservation of the rural/agricultural nature of Miami Township. Most notably, during 2022, the Commission completed its revision of Section 13 (Planned Unit Development) of the Resolution and presented its work product to the Township Trustees for their consideration/adoption. During 2022, the Commission also examined various other provisions of the Resolution, including subsection 18.51 (Temporary Exceptions).

Mr. Corry outlined the procedure for revision of the Zoning Resolution: the Commission drafts a proposed revision; submits the draft proposal to the Greene County Regional Planning Commission (GCRPC) for review/comments/suggestions; considers/incorporates GCRPC's input; holds a public hearing on the proposal; and recommends the change/revision to the Township Trustees. The Trustees, in turn, hold a public hearing and either enact or reject the revision. Mr. Zopf noted that good communication between and among the various public bodies and township residents facilitates both the promulgation and enforcement of the zoning regulations.

Mr. Neuhardt identified two areas which have become problematic for the BZA in recent years: temporary exceptions to the zoning regulations; and agritourism. He opined that the Ohio statute defining agritourism (O.R.C. Section 901.80) is not well-written, leading to interpretation difficulties for the BZA. Similarly, he noted that the Miami Township Zoning Resolution vests in the BZA the authority to grant an application for a temporary use exception, but provides virtually no guidance to the BZA as to when/under what circumstances such an exception is appropriate. Mr. Legge responded that one of the Commission's goals for 2023 is to revise the Resolution to provide guidance to the BZA in that respect.

Ms. Moir complemented the Commissioners on their work in revising Section 13 of the Zoning Resolution, noting that she appreciates their deliberate pace and attention to detail. Given new challenges with respect to land use in the Township (solar arrays, etc.), and Greene County's recent adoption of its new "2040" Comprehensive Land Use Plan, Ms. Moir mused that it may be time to revisit/update the Township's Comprehensive Land Use Plan. Mr. Hollister agreed.

A wide-ranging discussion ensued regarding use of both agricultural and natural areas; residential development pressure and lot-size/frontage requirements; various landowners' reported plans to conduct/host special events on their land; specialized/small-scale agricultural use; temporary exceptions to the land use regulations; etc. Mr. Silliman noted that "economics" increasingly drives landowners to "push the boundaries" with respect to land use regulations. Mr. Legge reminded the group that the rationale for zoning regulation is not to restrict a landowner's use of his land, but rather to protect him from the unreasonable/undesirable use of his neighbor's land.

At length, Mr. Legge thanked the Trustees and the BZA members for their input/suggestions, and the guests left the meeting.

Turning to the election of officers for 2023, upon motion and second (Amstutz/Legge), the Commissioners unanimously elected Mr. Corry as chairman, and Mr. Shrader as vice-chairman. Mr. Zopf proffered the 2022 Zoning Inspector's Annual Report, but given the hour the Commissioners deferred discussion of same until their next meeting.

The Commissioners resolved to proceed with their review of the Zoning Resolution in 2023; at their next meeting, they will continue their consideration of subsection 18.51, and Mr. Wirrig's draft proposal to revise same.

The Commissioners set their next meeting for Tuesday, February 21, 2023, and adjourned the meeting at approximately 9 p.m.

Brian Corry, Chairman

Charles Swaney (secretary for meeting)