

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

The Miami Township Zoning Commission met on Tuesday, 3/21/2023, at the Miami Township Office, 101 E Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian Corry (Chairman), Gregory Shrader (Vice Chairman), Dale Amstutz, and Fred Legge; Township Zoning Inspector Richard Zopf; guests Mark Heise, Brian Drew, and Rebecca Potter; 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 minutes of their February 21, 2023, meeting; upon motion and second, they approved same.

Mr. Zopf announced that the Miami Township Trustees are requesting the Zoning Commission to consider two issues as its schedule permits: what should be the Township’s position regarding small-scale solar arrays within its borders; and whether it is time to review/update the Township’s Comprehensive Land Use Plan .

The Commissioners resumed their deliberations regarding subsection 18.52 of the Zoning Resolution (temporary use exceptions). The Greene County Regional Planning Commission having recommended that the Zoning Resolution continue to incorporate some consideration of temporary nonconforming uses, legal counsel having recommended that the existing provision governing temporary uses be deleted or revised, and recent experience having proved the existing provision somewhat problematic for the Board of Zoning Appeals (BZA), the Commission is committed to a revision/modification of subsection 18.52.

Mr. Corry suggested that an initial consideration might be whether to shift responsibility for allowing a temporary nonconforming use from the BZA to the Zoning Inspector via a permit process. In response, Mr. Zopf suggested that the Commission should first define or list what types of uses should be entertained via a temporary use exception. He suggested that some temporary use exceptions could be within the purview of the Zoning Inspector while others could continue to be within the purview of the BZA. Mr. Zopf noted that insignificant arguably nonconforming uses (yard sales, etc.) supposedly regulated in some jurisdictions have not been a problem in Miami Township and are routinely ignored. On the other hand, major non-conforming commercial events are becoming increasingly problematic in the Township, and inquiries about same have proliferated. Mr. Amstutz identified a primary issue: what constitutes “temporary”? The recurring comedy shows hosted by Mr. Wirrig on the northern edge of the Township can hardly be considered “temporary” at this point. Mr. Corry agreed, suggesting that the comedy shows would be better classified as “seasonal.” Mr. Zopf suggested that the concept of “temporary” contemplates both duration and frequency.

Ms. Potter (an English professor) interjected that the Commission might want to shift from use of the word “temporary” to use of the word “intermittent” to better describe the nonconforming uses that may be allowed. As a member of the Board of Directors of Agraria, a local nonprofit organization which has on occasion asked the BZA to allow nonconforming use of its agriculturally zoned property on Dayton-Yellow Springs Road in the western part of the Township , she went on to present a case for allowing a wider range and frequency of nonconforming uses in the Township. A lengthy discussion ensued (between Ms. Potter, the Commissioners, and Mr. Zopf) involving not only temporary (intermittent?) nonconforming uses under the Zoning Resolution, but also the concept of “Agritourism” (which under Ohio law is not subject to local zoning regulation). Mr. Amstutz emphasized that the Commission, through zoning regulation, is charged with promoting the health, safety, and general welfare of all Township residents without regard for the commercial interests of a few landowners; the primary consideration must be the potential impact of a nonconforming use on neighboring residents.

Mr. Heise, president of the local chamber of commerce, thanked the Commissioners for their support of the Little Miami Trail, an integral part of Ohio’s system of recreational trails, and advised the Commissioners of plans to develop a small campground for trail users on East Hyde Road north of the Riding Center.

The Commissioners discussed the need for a work session devoted to the revision of subsection 18.52. The meeting was adjourned at 8:50 p.m.

Brian Corry, Chairman

Charles Swaney (secretary for meeting)