

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –April 18, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, April 18, 2023, in the Miami Township Offices, 101 E. Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian Corry (Chairman), Gregory Shrader (Vice Chairman), and Dale Amstutz; and secretary Charles Swaney.

A quorum being present, Mr. Corry called the meeting to order at 7:06 p.m. The Commissioners reviewed the minutes of their March 21, 2023, meeting; upon motion and second, they approved same.

The Commissioners resumed their deliberations regarding Subsection 18.52 of the Miami Township Zoning Resolution (Temporary Exceptions/ Temporary Structures and Uses), with the aid of an outline developed by Mr. Corry. Initially, the discussion centered on the meaning of the word “temporary” in the context of Subsection 18.52 (“A zoning permit...shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period...”). The Commissioners considered the wide variety of events/uses for which such a permit might be sought, including open-air events, and again reviewed local resident Steve Wirrig’s 12/20/2022 proposed revision of Subsection 18.52. They discussed the duration (12 months?) and frequency (how often is the use conducted during the period of the permit?) of a permitted temporary use. Although the Zoning Resolution places no limitation on duration or frequency of an event (other than the 12 month limitation on the length of a permit), it is difficult to reconcile multiple instances of a use over an extended period of time during more than one year with any common definition of “temporary.”

The Zoning Commission’s guide in formulating revisions to the Zoning Resolution, and the Township Zoning Inspector’s guide in interpreting and enforcing the Resolution, is the Miami Township Comprehensive Land Use Plan. The Plan emphasizes preservation of the Township’s agricultural and natural heritage; it strives to maintain the Township’s “rural feel,” and to safeguard the citizenry’s quiet enjoyment of their rural environment. Permitting large-scale, open-air commercial events generally seems inconsistent with the goals outlined in the Plan. The purpose of land use regulation via zoning being to promote public health, safety and welfare, the economic benefit that any “temporary” use might generate for a particular landowner, or even for a broader segment of the population, should not be central to the interpretation or enforcement of the Zoning Resolution.

At length, the consensus of the Commissioners: if a use not normally sanctioned within the applicable zoning district is to be permitted on a temporary basis, the duration and frequency of the use should be extremely limited, and the permit for such use should likely not be issued more than once.

The Commissioners discussed the pros and cons of vesting primary authority for granting temporary use permits in the zoning inspector vs. the Board of Zoning Appeals. Although the zoning inspector issues temporary use permits in many local zoning jurisdictions, the Commissioners expressed some preference for leaving this authority with the Miami Township Board of Zoning Appeals.

The Commission does not customarily hold a May meeting, but intends to begin developing language for a revision to Subsection 18.52 at its June meeting. The meeting was adjourned at 8:55 p.m.

Brian Corry, Chairman

Charles Swaney (secretary for meeting)