

## YORK TOWNSHIP BOARD OF APPEALS

October 8, 2020

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on October 8, 2020.

Ronald Fabich called the meeting to order at 7:00 pm.

The Pledge of allegiance was said.

### **Board Members Present:**

Christine Barnes, Ronald Fabich, Richard Hill, Chris Kosman, and Roger Mittler were present

### **Guests:**

Dorothy Crouch-Zoning Inspector; Richard Monroe-York Township Trustee

### **Minutes:**

The Board Members reviewed the proposed minutes from the September 10, 2020 meeting. Chris Kosman made a motion to approve the proposed minutes. Christine Barnes seconded the motion. Roll vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye. Motion approved.

The Board Members reviewed the proposed minutes from the September 15, 2020 meeting. Richard Hill made a motion to approve the proposed minutes with typographical errors corrected. Roger Mittler seconded the motion. Roll vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye. Motion approved.

Christine Barnes reviewed the statement made by Kristena Carbone under Duncan Factor #5. Kristena Carbone stated she did not have knowledge of the zoning restrictions.

Christine Barnes asked Dorothy Crouch when applicants come into the York Township Office if she explains the restrictions.

Dorothy Crouch stated when Kristena and James Carbone came into the office they asked if they could put up their carport. Dorothy Crouch told Kristena and James Carbone they could not, they needed to be fifteen (15) feet from the property line.

Roger Mittler stated he would like anyone purchasing property in York Township to have knowledge of the York Township Zoning Resolution.

Dorothy Crouch and Board Members have discussed many times property is purchased and no one has any idea it has been purchased. Most property owners have no idea what the York Township Zoning Resolution is.

**Correspondence:**

There is no correspondence.

**Old Business:**

Ronald Fabich mentioned a solution to one of problems the Board Members have is the lack of an Alternate Board Member. Ronald Fabich asked Richard Monroe what the status of an Alternate Board Member for the York Township Board of Zoning Appeals. Richard Monroe answered the York Township Trustees are in the process of looking for someone. Dorothy Crouch mentioned the York Township Zoning Commission is also in need of an Alternate Board Member.

Ronald Fabich asked Richard Monroe if the Trustees have a timeline regarding an Alternate Board Member. Richard Monroe answered he has to be honest, no.

The Board Members, Richard Monroe and Dorothy Crouch discuss the situation regarding Alternate Board Members.

Board Members, Dorothy Crouch and Richard Monroe review the Policy and Procedures approved by the Board Members on January 9, 2020. (Exhibit A)

Roger Mittler went on to explained at a previous meeting where only two Board Members were able to attend the meeting.

The Board Members, Dorothy Crouch, and Richard Monroe then reviewed extensively **Board Members G. Board. 4)** of the Policy and Procedures.

The Board Members suggested the following:

**4)** Applicant will be asked by Chairperson/Vice Chairperson if they will accept the Board if there is not a full Board present; four (4) of five (5) members. If there is only a Board of four (4) members and there is a tie vote two (2) and two (2) the result automatically goes to a no vote. If the applicant requests a full Board the meeting will be rescheduled within seven (7) calendar days.

**5)** The Board will inform the applicant that the hearing will be rescheduled if there are less than four (4) Board Members present. The meeting will be rescheduled within seven (7) calendar days.

- 6) The Board of Appeals will be furnished with a calendar of the up coming year's scheduled meetings dates. If there is a special meeting or a cancelled meeting the Board will be notified by the Chairperson, Vice Chairperson, Secretary, or Zoning Inspector.
- 7) The minutes of the Board of Zoning Appeals are not final until they have been approved by the Board with a roll call vote and can be amended before the Board's roll call vote.
- 8) BZA board members should notify the Chairperson, Vice Chairperson or the Township Office if they are unable to attend the meeting so the Alternate can be contacted and seated in their place.

Roger Mittler made a motion to accept the changes to **G. Board: 4, 5, 6, 7, 8**. Chris Kosman seconded the motion. Roll Vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; and Roger Mittler-aye. Motion approved.

Christine Barnes suggested the Board Members to review **Board Members G. Board. 3)**

The Board Members, Dorothy Crouch, and Richard Monroe then reviewed extensively **Board Members G. Board. 3)** of the Policy and Procedures.

The Board Members suggested the following:

- 3) All Board of Zoning Appeals members should make a visitation to the property of an applicant for a variance or home occupation. The visitation is to be in groups of not more than two (2) Board Members to the property of an applicant for a variance or home occupation.

Chris Kosman made a motion to change **Board Members G. Board. 3)**. Christine Barnes seconded the motion. Roll Vote: Christine Barnes-aye; Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; and Roger Mittler-aye. Motion approved.

Please note the revised Policy and Procedures 2020 per Board Members, October 8, 2020 (Exhibit B).

Ronald Fabich asked if there was any other Old Business. There was no other Old Business.

**New Business:**

Ronald Fabich asked if there was any New Business. There was no New Business.

**Adjourn:**

Ronald Fabich adjourned the meeting at 8:10 pm

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Ronald Fabich, Chairperson

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Mary Lenarth, Secretary

# 2020

## (EXHIBIT A)

### York Township Board of Appeals

Approved January 9, 2020

For the year of 2020

#### Policy and Procedures

**A. Regular Meetings:** Regular meetings of the Board of Appeals will be held the second Thursday of each month at 7:00 p.m. unless other wise provided. All meetings will be held at the York Township Hall/Fire Station Complex, located at 6609 Norwalk Road.

- 1) No more than two (2) hearings will be considered at a regular meeting.
- 2) Board members are to sign in for Board meeting, site visits, and classes attended.

**B. Special and Emergency Meetings:** Special meeting of the Board of Appeals will be held at the call of the Chairman, the Board of Appeals, two (2) members of the Board of Appeals, or the Zoning Inspector. The call for a special meeting shall specify the date, time location and purpose of the meeting. Unless otherwise stated, special meetings will be held at the same location as regular meetings. All legal requirements for these meetings will apply.

**C. Alternate:**

- 1) Alternate will be seated if a Board member is not present at roll call.
- 2) Board Member will not be seated in place of Alternate for a second hearing if continued and present pursuant to **a)** below.
  - a)** An Alternate or Board Member cannot be seated for a continued meeting the original of which they have missed.
- 3) Board Member should notify Chair/Vice Chairperson before the meeting if they will abstain from voting so Alternate can be seated.

**D. Secretary:**

- 1) Minutes of previous meeting shall be provided with Board packet one week in advance of regular meeting
- 2) Agenda is to be provided to the Board and available to the public at every meeting.

**E. Seating at the Board of Zoning Appeals meetings:** There are three designated sitting areas:

- 1) The Board area at the front of the meeting room. This area is limited to BZA Board members that are hearing or voting at the meeting. Any non voting Board members of the BZA or alternates not involved in the voting will not be seated in this area.
- 2) Secretary/Zoning Inspector table. This area located at the north side of the room.
- 3) Audience seating. This area is in front of the BZA.
- 4) A table is to be placed in front of the BZA Board for applicant and applicant's council

**F. Opening Meeting Comments:**

- 1) The taping of the meeting is for the use of the Secretary to refer to and keep accurate minutes for the BZA. Tapes may be destroyed forty (40) days after the minutes are approved.
- 2) All persons in attendance must sign in.
- 3) People wishing to testify before the Board must be sworn in; give their name and current address. They must speak either from the table in front of the Board or from the podium. Testimony will be limited to 3 minutes per person.
- 4) Any testimony or questions will be directed to the BZA not to people in the audience. The BZA will redirect any pertinent questions.
- 5) The BZA may request that conversations or discussions not directed to the BZA be limited.
- 6) During a Public Hearing if the Board has received correspondence regarding the Public Hearing the Board will disregard the correspondence. Due to the fact that the correspondence cannot be cross examined.
- 7) The Board reserves the right to go into caucus during public meetings.

**G. Board:**

- 1) Board of Zoning appeals members are required to attend at least one updated training each year when available through the Prosecutors Office, Medina County Planning Services or our own BZA. Per Resolution by Township Trustees.
- 2) Clear and exact (to scale) drawings need to be presented to the Board of Zoning Appeals before the visitation and meeting so they can be reviewed.
- 3) All Board of Zoning Appeals members should be required to make a visitation to the property of an applicant for a variance or home occupation. The visitation is to be in groups of not more than two (2) Board Members to the property of an applicant for a variance or home occupation. The visitation is to be on the Saturday before the meeting between the hours of 8:00am and 11:00am. If a Board member cannot make the

appointed time it is the Board members responsibility to contact the applicant to schedule a visitation. The Zoning Inspector or Secretary will notify the Board of the date.

4) Applicant will be asked by Chairperson/Vice Chairperson if they will accept the Board if there is not a full Board present. Note: If there is only a Board of four (4) members and there is a tie vote two (2) and two (2) the result automatically goes to a no vote. **(This should be read to the Applicant)**

5) The Board of Appeals will be furnished with a calendar of the up coming year's scheduled meetings dates. If there is a special meeting or a cancelled meeting the Board will be notified by the Chairperson, Vice Chairperson, Secretary, or Zoning Inspector.

6) The minutes of the Board of Zoning Appeals are not final until they have been approved by the Board with a roll call vote and can be amended before the Board's roll call vote.

7) BZA board members should notify the Chairperson, Vice Chairperson or the Township Office if they are unable to attend the meeting so the Alternate can be contacted and seated in their place.

## 2020 revised

### (EXHIBIT B)

#### York Township Board of Appeals

Approved October 8, 2020

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