

YORK TOWNSHIP BOARD OF APPEALS

January 4, 2023

The York Township Board of Zoning Appeals held their Organizational Meeting in the York Town Hall/Fire complex on January 4, 2023

Christine Barnes called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

Board Members Present:

Christine Barnes, Ronald Fabich, Richard Hill, Chris Kosman, Roger Mittler, and Alternate Jessica Gerspacher were present.

Guests:

Steve Ibos-Zoning Inspectors; Colene Conley-York Township Trustee

Organizational Meeting:

Christine Barnes started the Organizational Meeting.

Chairperson: Christine Barnes made a motion to nominate Chris Kosman for Chairperson. Roger Mittler seconded the motion. Roll Vote: Christine Barnes-aye, Ronald Fabich-aye, Richard Hill-aye, Chris Kosman-aye, and Roger Mittler-aye. Motion approved.

Vice Chairperson: Christine Barnes made a motion to nominate Roger Mittler for Vice Chairperson. 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.

Richard Hill made a motion for the nominations to be closed. Roger Mittler seconded the motion. Nominations were closed.

Roger Mittler mentioned he would like the Board Members to discuss the Duncan Factors and the worksheets for the Duncan Factors. Board Members discussed how to fill out Duncan Factors and when they are filled out where to file them. Roger Mittler explained how important it is to fill out the Duncan Factors and explained the importance of the Board Members individual responses.

Board Members and Colene Conley discuss that it would be good if someone would organize a zoning work shop.

Board Members and Colene Conley discuss a handbook Roger Mittler found for Board of Zoning Appeals from Hamilton County and how helpful it is.

Board Members decided to add the following to the Policy and Procedures for the York Township Board of Appeals:

G. BOARD:

9) Duncan Factor: Each Board Member will fill out a Duncan Factor worksheet. The worksheets will be turned into the BZA Secretary to be filed (by the Zoning Inspector) with the variance request packet.

Policy and Procedures for the York Township Board of Appeals attached (EXIBIT A)

Adjourn:

Richard Hill made a motion to adjourn the meeting at 7:55pm. Roger Mittler seconded the motion. All Members vote aye in a voice vote. Motion approved.

Chris Kosman, Chairperson

Mary Lenarth, Secretary

2023

(EXHIBIT A)

York Township Board of Appeals

Approved January 4, 2023 for the year of 2023

Policy and Procedures

A. Regular Meetings: Regular meetings of the Board of Appeals will be held the second Thursday of each month at 6:30 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 by email to the Board. The Board packet will be mailed 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 three (3) minutes per person. The Chairperson will notify the public at the start of the meeting their testimony will be limited to three (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, other Zoning or BZA meetings. 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 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.
- 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 with 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. The minutes of the Board of Zoning Appeals are to be approved on their next regular scheduled meeting unless there has been an appeal.
- 8) BZA board members should notify the Chairperson, Vice Chairperson or the Township Office if they are unable to attend the meeting.
- 9) Duncan Factor: Each Board Member will fill out a Duncan Factor worksheet. The worksheets will be turned into the BZA Secretary to be filed by the Zoning Inspector with the variance request packet.