

YORK TOWNSHIP BOARD OF APPEALS

February 6, 2024

The York Township Board of Zoning Appeals held their Organizational Meeting in the York Town Hall/Fire complex on February, 6, 2024.

The meeting from January 9, 2024 was tabled and rescheduled to February 6, 2024 with the hopes of having a full York Township Board of Appeals.

Roger Mittler called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

Board Members Present:

Ronald Fabich, Jessica Gerspacher, Richard Hill, and Roger Mittler were present. Christine Barnes was unable to attend.

Guests: Steve Ibos-Zoning Inspector/Township Administrator, Colene Conley, Rachel Nagle, Richard Monroe-York Township Trustee.

Organizational Meeting:

Roger Mittler stated as we all know we will elect a Chairperson and a Vice Chairperson and once they are elected then his (Roger Mittler's) resignation will become official.

Richard Hill nominated Ronald Fabich for Chairperson. Roger Mittler seconded the motion. Ronald Fabich accepted the nomination. Roll vote: Ronald Fabich-aye, Jessica Gerspacher-aye, Richard Hill-aye, and Roger Mittler-aye.

Roger Mittler asked for a nomination for Vice Chairperson. Roger Mittler nominated Richard Hill for Vice Chairperson. Jessica Gerspacher seconded the motion. Richard Hill accepted the nomination. Roll vote: Ronald Fabich-aye, Jessica Gerspacher-aye, Richard Hill-aye, and Roger Mittler-aye

Jessica Gerspacher asked if there is a meeting regarding Wolff Brothers Supply, Inc. what will happen then, because Richard Hill will recuse himself. The Board Members stated the Board will be fine.

Roger Mittler stated, with that his resignation is official and turned the gavel over to Ronald Fabich.

Ronald Fabich asked Roger Mittler to stay.

Roger Mittler stated he is leaving; he is no longer on the Board.

The Board Members recessed for refreshments for Roger Mittler's retirement.

Ronald Fabich reconvened the meeting.

Ronald Fabich then invited and welcomed the new Board Members to join the Board. Colene Conley and Alternate Rachel Nagle joined the Board Members.

Mary Lenarth gave the Board Members a copy of the 2023 Policy and Procedures.

Board Members, Steve Ibos, and Mary Lenarth reviewed the Policy and Procedures deciding to make multiple changes. The items being deleted are in **blue** additions are in **red**. See **Exhibit A**. This is a DRAFT COPY

Board Members, Steve Ibos and Mary Lenarth had several questions regarding G. Board 4 and 5 suggesting the Medina County Prosecutor's office should be give a copy of the York Township Board of Appeals Policy and Procedures.

Ronald Fabich asked if anyone had any further discussion.

There was no further discussion.

Adjourn:

Jessica Gerspacher made a motion to adjourn the meeting at 9 pm. Rachel Nagle seconded the motion. All members voted aye in a voice vote. Meeting adjourned.

Ronald Fabich-Chairperson

Mary Lenarth-Secretary

THIS IS A DRAFT COPY ONLY

2024

(EXHIBIT A)

York Township Board of Appeals

On February 6, 2024 for the year of 2024

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 **of** the Board of Appeals, **or** 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 shall** notify Chair/Vice Chairperson at **Roll Call before the meeting if they will recuse themselves from the hearing due to possible conflict of interest so that alternate can be seated. 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.**
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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**
- 4) **A designated area is reserved in front of the BZA for the applicant and the 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.**

1) **The tape may be destroyed according to the current record retention policy of the York Township**

- 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 conditional use** 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) four-teen (14)** 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) four-teen (14)** 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.

10) Upon roll call vote of a conditional use Board Members are to specify their reasons according to Section 505 General Standards for All Conditionally Permitted Uses.