

**Miami Township
Board of Zoning Appeals
Tuesday, February 5, 2018**

Members of the Board of Zoning Appeals present:

James Hamilton, Chairman
Fred Sinder
John Broz
Gregory Clatterbuck
Richard Poore

Members of Miami Township Staff present:

Chris Snyder, Director
Kyle Hinkelman, Deputy Director
Alex Carlson, Planner
Jill Drury, Communications Coordinator

Others Present:

Dawn Frick, Township Legal Counsel

GENERAL MEETING

Mr. Hamilton called the meeting to order at 6:02 PM.

Action on minutes from September 5, 2017

Mr. Broz motioned to approve the minutes from August 7, 2017, Mr. Sinder seconded the motion, and the vote was all ayes except for Mr. Clatterbuck and Mr. Poore who abstained. The motion passed.

NEW BUSINESS

No cases.

ADDITIONAL ITEMS

Nominations – Chairman and Vice Chairman

Mr. Poore made a motion to elect Mr. Hamilton as the chairman and Mr. Clatterbuck as the vice chairman. Mr. Sinder seconded the motion and the vote was all ayes. The motion passed.

Board Discussion

Mr. Hinkelman spoke to the Board in regards to adopting official rules and regulations for the Board of Zoning Appeals.

The Board discussed the rules and regulations and the following topics at length with members of Staff and township legal counsel, Dawn Frick.

1. Abstaining from a case and refraining from inadvertently influencing decisions of other members.
2. The terms of service for Board members and alternates.
3. Having public discussions vs. convening to separate quarters to deliberate a case and how that may be interpreted by the public and what can and cannot be discussed during those private deliberations.
4. The option to hear a case, continue, or deny it without an applicant present at a meeting.
5. Group property visits and obtaining owner permission versus driving by a property individually and the importance of not interacting with the applicant or owner without all the other members present.
6. The process of accepting evidence and receiving testimony for the record how evidence will be received by the Board for review if not presented in physical form.
7. The board's ability to deny a case for lack of evidence or approve a case with conditions and/or stipulations.

Mr. Clatterbuck made a motion to close the regular meeting and begin work session. Mr. Broz seconded the motion and the vote was all ayes.

The Board discussed the following topics.

1. Variances that run with the land versus variances that have sunset limitations.
2. Use variances versus rezoning a property.
3. The adoption of the official rules and regulations for the Board of Zoning Appeals.
4. Appeals cases and noting evidence or testimony that is submitted that contributes to a decision.
5. Articulating the specific reason(s), particular evidence, or testimony on record as to why the Board has chosen to deny a case.
6. Summarizing the reason(s) a case is denied for the applicant and the record at the close of the meeting.

7. The purpose of the staff report and how the intent is to provide factual information about the application, the zoning resolution, the property, and/or its history.

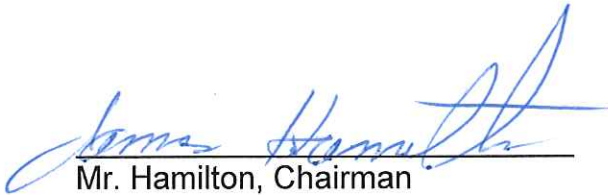
It was noted that the rules and regulations discussed would come back to the Board for final consideration next month.

Mr. Clatterbuck made a motion to close the work session. Mr. Poore seconded the motion and the vote was all ayes. The motion passed.

OTHER BUSINESS

Mr. Clatterbuck made a motion to adjourn the meeting at 7:45 p.m., Mr. Poore seconded the motion, and the vote was all ayes. The motion passed.

Respectfully Submitted,
Nicole Kessel, Recording Secretary



Mr. Hamilton, Chairman