

**Miami Township  
Zoning Commission  
Tuesday, April 16, 2019**

**Members of the Zoning Commission present:**

Michael Pothast, Chairperson  
Cynthia Griffith  
Kurt Hatcher  
John Barber  
Amy Jauch

**Members of Township Staff present:**

Chris Snyder, Director of Community Development  
Kyle Hinkelman, Deputy Director of Community Development

**Others Present:**

Nick Keys Jr., Key Ads  
Mike Cross, City of Dayton

Mr. Pothast called the meeting to order at 6:00 P.M.

**Special Announcements**

None

**Approval of Minutes**

Mr. Barber made a motion to approve the minutes from March 19, 2019. Mr. Hatcher seconded the motion, Mr. Pothast and Ms. Jauch abstained and the rest of the votes were all ayes. The motion passed.

**New Business**

**1. ZC #434-18 – Final Development Plan – Dayton Wright Brothers Airport**

Mr. Barber made a motion to open case ZC #434-18 and Mr. Hatcher seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman came forward and confirmed all the legal requirements had been met and all the surrounding property owners were notified as required.

Mr. Hinkelman stated that the applicant is requesting a modification to the standards of a PD-5 as it pertains to the Dayton-Wright Brothers Airport property. He explained that the applicant wanted to clarify the language and not make any changes to the standards as they pertain to outdoor advertising and where it is allowed on the property. That location being the southern Area 2.

Mr. Pothast asked if there were any questions for Mr. Hinkelman and there were none.

Mr. Hinkelman clarified that if approved this change would allow an outdoor advertising sign to be placed in a location that would not meet the standard setback requirements in a business zoning district.

Mr. Pothast made a motion to close the public hearing and move into formal deliberation. Ms. Griffith seconded the motion and the vote was all ayes. The motion passed.

The commission discussed the case.

Mr. Hatcher made a motion to recommend approval of zoning case #434-18 with no stipulations. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman noted that the commission recommendation would be forwarded to the Board of Trustees at their next regularly scheduled meeting.

## **2. ZC #435-19 – Text Amendment – Article 3**

Mr. Pothast made a motion to open case ZC #435-19 and Ms. Griffith seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman came forward and confirmed that all the legal requirements had been met and all the surrounding property owners notified as required. He further noted that the Montgomery County Planning Commission had recommendation letters for all the text amendments to be heard at this meeting.

Mr. Hinkelman explained that this proposed text amendment is the same that was discussed and continued at the last zoning commission meeting. He further noted that it would modify language pertaining to agricultural exemptions and how they relate to agritourism.

Ms. Griffith asked if this change would apply to mailboxes and other accessory structures in the agricultural district.

Mr. Hinkelman explained that those structures would either be permitted or exempted under the regular accessory structure requirements.

Mr. Pothast asked if there were any further comments or questions and there were none.

Mr. Pothast made a motion to close the public hearing and move into formal deliberation. Mr. Hatcher seconded the motion and the vote was all ayes. The motion passed.

The commission discussed the case.

Mr. Barber made a motion to recommend approval of case ZC #435-19 with no stipulations. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

### **3. ZC #436-19 – Text Amendment – Article 38**

Ms. Pothast made a motion to open case ZC #436-19. Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman came forward and confirmed that all the legal requirements had been met. He further noted that this case was discussed and continued at the last zoning commission and the Montgomery County Planning Commission had a letter recommending approval.

Mr. Hinkelman further explained that the entire language of Article 38 would be replaced if approved with much of the language remaining but in different locations. He went on to state that the change would affect placement of accessory structures, home business occupations in accessory structures, and limit donation containers and kiosks.

Ms. Griffith asked Mr. Hinkelman if the language would permit additional kiosks in what is defined in the code as fenced enclosures to which he replied it would not.

Ms. Griffith asked if you would need to appear before the zoning commission to have a "P.O.D" and Mr. Hinkelman explained that the new language would allow a "P.O.D" type structure to be permitted for three days with a zoning certificate which will allow the township to monitor the length of time the "P.O.D." is in place.

Ms. Griffith asked if "P.O.D." suppliers were ever informed of requirements as they may not know to apply for a zoning certificate.

Mr. Hinkelman stated they were not. He explained in specific cases it would be brought to their attention by the zoning inspector.

Mr. Snyder and Mr. Hinkelman answered questions and discussed the storage container permitting process and code enforcement requirement notification with the commission.

Ms. Griffith asked if empty railroad cars would be permitted as storage containers and Mr. Hinkelman explained that they would not be. He further stated the definition of what is considered an "accessory structure" was being clarified.

Mr. Hatcher asked if shipping containers could be used as homes.

Mr. Hinkelman stated that this portion of the code would not regulate that but added that it would be prohibited by the part of the code that defines primary structures due to the square footage requirements for single family homes.

Mr. Pothast noted there was no one else present to speak and motioned to close the public hearing portion and move into deliberation. Mr. Barber seconded the motion and the vote was all ayes.

Mr. Barber motioned to recommend approval of ZC #436-19 with no stipulations. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

#### **4. ZC #437-19 – Text Amendment – Article 6**

Mr. Pothast made a motion to open case ZC #437-19. Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman came forward and confirmed all the legal requirements had been met for this case and this case proposed an amendment to the language of Article 6.

Mr. Hinkelman further stated that the Montgomery County Planning Commission had recommended approval of this case however this change would remove the requirement that a letter from the Montgomery County Planning Commission be required prior to approval.

Ms. Griffith asked if a letter could still be requested.

Mr. Hinkelman explained that state has removed the requirement from the O.R.C. and a letter could be requested by the commission if warranted. He further noted this change would allow the township to move forward with a case without having to wait for a recommendation letter from the county.

Mr. Pothast asked if there were any further comments and there were none.

Mr. Pothast made a motion to close the public hearing and move into deliberation. Mr. Hatcher seconded the motion and the vote was all ayes. The motion passed.

The Commission discussed the case.

Mr. Barber made a motion to approve ZC #437-19 with no stipulations. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

#### **5. ZC #438-19 – Text Amendment – Article 39**

Mr. Pothast made a motion to open case ZC #438-19. Ms. Jauch seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman came forward and stated that all the legal requirements have been met for this case and there is a letter of recommendation from the Montgomery County Planning Commission. He further noted that this case is regarding a proposed amendment to the language of Article 39 as it pertains to fences, walls, and hedges.

Mr. Hinkelman noted that the entire text of article 39 would be stricken as it is no longer necessary as it is covered by Article 38 now.

Ms. Griffith commented that this was a great step regarding maintenance of the code.

Mr. Pothast made a motion to close the public hearing and move into deliberation and Mr. Barber seconded that motion. The vote was all ayes and the motion passed.

The Commission discussed the case.

Mr. Hatcher made a motion to approve case ZC #438-19 with no stipulations. Mr. Pothast seconded the motion and the vote was all ayes. The motion passed.

#### **Work Session**

None

**Other Business**

None

**Meeting Close**

Mr. Pothast made a motion to adjourn the meeting at 7:50 p.m., Mr. Barber seconded the motion, and the vote was all ayes. The motion passed

Respectfully submitted,  
Nicole Kessel, Recording Secretary

  
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Chairperson

  
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Date