

**Miami Township
Board of Zoning Appeals
Thursday, July 9, 2018 at 6pm**

Members of the Board of Zoning Appeals present:

James Hamilton, Chairman
Fred Sinder
John Broz
Gregory Clatterbuck

Members of Miami Township Staff present:

Christopher Snyder, Director
Kyle Hinkelman, Deputy Director
Alex Carlson, Planner

Others Present:

Pat Wheelbarger, 2627 Eckley Boulevard
Mark Houseman, 2531 Rossini Road
Carol Spraley, 2536 Rossini Road
Everette Donegan, 2578 Eckley Boulevard
Christina Emmons, 2577 Eckley Boulevard
William Smith, 2572 Eckley Boulevard
Sue Gossett, 2640 Rhapsody Drive
Aaron Weber, 2324 Brahms Boulevard
Kristi Weber, 2324 Brahms Boulevard
Robert C. MacClennan, 6418 Caruso Court
Rachica Ward, 2600 Eckley Boulevard
Rakesha Holmes, 2600 Eckley Boulevard
Sherri Iddings, 2565 Eckley Boulevard
Kelly Hemm, 2555 Eckley Boulevard
Chris Sally, 2601 Eckley Boulevard
Joe Wyant, 2571 Eckley Boulevard
Thomas and Emily Schmeterman, 2541 Eckley Boulevard
Ray and Sue Turton, 9211 Rooks Road
Stacy and Tim Wells, 2709 Eckley Boulevard
Mary Swank, 2535 Eckley Boulevard
Cindy Fischer, 2641 Rhapsody Drive
Toni Duncan, 6278 Overture Drive
Steven Duncan, 6278 Overture Drive
Ken Seymour, 2800 Eckley Boulevard
Barb Miller, 2584 Eckley Boulevard
Janet Spencer, 6076 Norwell Drive
Ronnie Spencer, 2606 Eckley Boulevard
Sean Bohn, 2549 Rossini Road
Jeff Smith, 6125 Sonia Circle

Greg and Shirley Jump, 6151 Cantata Court
Lesley Baumann, 2717 Sonata Circle
Scott and Cindy Prather, 2525 Rossini Road
Kim Seymour, 2800 Eckley Boulevard
Robert Smith, 2637 Prelude Path

GENERAL MEETING

Mr. Hamilton called the meeting to order at 6:00 PM.

Action on minutes from May 31, 2018

Mr. Clatterbuck motioned to approve the minutes from May 31, 2018, Mr. Broz seconded the motion, and the vote was all ayes. The motion passed.

THE OATH

Mr. Hamilton administered the Oath of Truth to the following people:

Alex Carlson
Sean Bohn
Kent Seymour
Jeff Smith
Kristi Weber
Barb Miller

OLD BUSINESS

1. Case # BZA 822-18 – Conditional Use – 2600 Eckley Boulevard

Mr. Hamilton announced the case to be heard as BZA 822-18 filed by Rachica Ward and Rakesha Holmes.

Mr. Carlson stated that this case had been continued at the last meeting and reiterated that the applicant was requesting a conditional use under Article 11 for a community oriented social service facility located at 2600 Eckley Boulevard that is zoned "R-3". He noted the intent of the facility would be to care for six or fewer foster youth managed by a non-profit agency. He also noted that the board could grant the requested use under Article 1103 of the Miami Township Zoning Resolution.

Mr. Carlson explained as noted in the previous meeting that the facility is subject to seven requirements under section 4802 of the Miami Township Zoning Resolution as discussed at the previous meeting. He stated that staff felt all seven of those requirements were met and is recommending approval with the condition that the applicant meet all licensing requirements of the state in addition to no other group home facility be located within 1500 square feet.

Mr. Carlson noted that the township is currently unaware of any other permitted group home facility located within 1500 square feet.

Mr. Hamilton asked who would maintain the property since the agency would be leasing the property from the landowner.

Mr. Carlson explained that he had received a letter from Stephen Walker, the property owner, recorded as exhibit C, explaining his intentions to assist with the general maintenance of the property and his intent to hire a landscaping company to maintain landscaping.

Mr. Clatterbuck asked for confirmation that the applicant is unable to obtain licensing until after the conditional use for zoning is approved and Mr. Carlson confirmed.

Mr. Hamilton asked if the applicant would like to address the board. The applicant declined to provide further testimony.

Mr. Hamilton asked if there was anyone present to provide further testimony unrelated to any prior given testimony.

Mr. Sean Bohn came forward and was sworn in. He provided a packet for the board which Mr. Hinkelman noted would be entered into the record as Exhibit D.

Mr. Bohn noted that is first item pertained to the 1500 square feet requirement between any social service residential homes. He explained that according to the Montgomery County Tax website 2201 Brahms Boulevard is owned by Choices in Community Living which according to their website provide social service group home facilities for four people or less.

Mr. Bohn stated that 2201 Brahms Boulevard appears to be registered through the department of retardation and licensed by the state as a social service facility.

Mr. Bohn further noted that the location of 2201 Brahms Boulevard, according to Google maps and the Montgomery County website, would be located under the 1500 square foot distance required.

Mr. Kent Seymour came forward and was sworn in.

Mr. Seymour asked if there have been any engineering plans or fire inspections presented showing that the home can support a sprinkler system.

Mr. Hamilton asked Mr. Carlson if any plans have been provided and Mr. Carlson reiterated that the township is not the jurisdiction that makes those inspections. He explained that staff was recommending approval with the condition that the facility meets all necessary building and fire inspections.

Mr. Seymour then asked if all the building inspections would need to be brought into current conformance.

Mr. Hamilton replied that as part of any approval all building inspections required for licensing via the state would need to be met.

Mr. Seymour asked about occupancy requirements and Mr. Carlson stated that any requirements placed by other jurisdictions would be inspected as necessary by those jurisdictions.

Mr. Clatterbuck noted those requirements would be met during the license process and not during the zoning process. He further explained that the group home state license cannot be obtained unless first the zoning is approved.

Mr. Jeff Smith came forward and was sworn in. He stated that the home currently had weeds in the yard and that the yard was not being maintained. He also noted that according to the applicant's submittal that the property would need to be handicap accessible and noted he had concerns whether or not the property would be handicap accessible.

Ms. Kristy Weber came forward and was sworn in. Ms. Weber stated she was a resident of the neighborhood and that she has been in children's services for the last five years and wanted to speak from her experience within that field. Ms. Weber stated that children in the custody of the county are by law required to be placed in the least restrictive type of home so that it is less traumatic to the child. Children are first attempted to be placed with members of their own family. If no family member is able to care for them then the county seeks to place the children in a foster home. If no foster home is available for placement then the child is eligible to be placed in a group home.

Ms. Weber continued that the applicant's stated they would only take in children who are of no risk and she explained that only children at risk are placed in group homes. She noted that some of the neighbors' concerns were children with sexual abuse, substance abuse, and mental health issues. Ms. Weber added that many group homes are under investigation for illegal human trafficking.

Ms. Weber stated that she believes these types of homes put an undue burden on law enforcement as she has received calls in her line of work in regards to children who have run away, broken into nearby homes and cars.

Mr. Hamilton asked Ms. Weber where she worked.

Ms. Weber stated that she has worked for Montgomery County Children's services for the last two years and that previously she had worked for Greene County.

Mr. Hamilton stated that he believed the applicant had stated at the previous meeting that at-risk children would be placed in this home and she wanted the board to be aware.

Ms. Weber commented that she believed her copy of the application stated that at-risk children would not be placed in the home.

Ms. Barb Miller stated she had an eleven year old daughter and lived next door to the potential group home. She asked the board to consider denial of the requested conditional use for the property.

Mr. Jeff Smith came forward and was previously sworn in. Mr. Smith noted that on page five of the procedures manual submitted by the applicant stated that SafeWard is not staffed to accept high risk consumers.

Mr. Clatterbuck made a motion to go into private deliberations and Mr. Broz seconded the motion. The vote was all ayes and the motion passed.

Mr. Clatterbuck made a motion that the public hearing be reconvened and Mr. Sinder seconded the motion. The vote was all ayes and the motion passed.

Mr. Hamilton thanked all the residents for their research and for coming forward with additional information. He motioned that the board would like to continue the case to the next meeting so that staff can verify the information provided in Exhibit D.

Mr. Hinkelman added that the next meeting would take place on August 6, 2018.

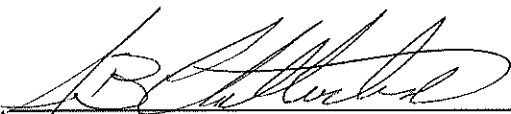
Mr. Hamilton specified as part of his motion that he would like staff to confirm that the other home located at 2201 Brahms Boulevard is a group home located within 1500 feet of the applicant's proposed facility.

Mr. Clatterbuck seconded the motion and the vote was all ayes. The motion passed.

OTHER BUSINESS

Mr. Clatterbuck made a motion to adjourn the meeting at 6:53 p.m., Mr. Broz seconded the motion, and the vote was all ayes. The motion passed.

Respectfully Submitted,
Kyle Hinkelman, Recording Secretary


Chairperson