

MINUTES FOR THE SPECIAL MEETING OF THE CHESTER TOWNSHIP BOARD OF TRUSTEES AND REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, OCTOBER 9, 2023, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Board of Trustees Chairman, Craig Richter, opened the meeting at 7:01 pm.

Roll Call

Members present: Mr. Richter, Mr. Radtke, Mr. Mazzurco

Chester Township Board of Zoning Appeals, Chairman Barton Ziganti, opened the Board of Zoning Appeals meeting to order at 7:02 pm.

Roll Call

Members present: Ms. Klemm, Ms. Muehling, Ms. Sritalapat, Mr. Ziganti

Members absent: Ms. Denamen, Ms. Fadorsen

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Purchase

The Board members and audience recited the Pledge of Allegiance.

Board of Trustees Leading Motion #: 2023-401, however tonight is for joint discussion only.

New Business

Mr. Ziganti and the BZA Board brought forward their concern about the passing of the recent amendment, Z-2023-1, supplementary conditions that may be placed on a variance. Specifically, the concern was that the amendment, now in effect, would curtail the ability of the BZA to resolve appeals to the satisfaction of the appellant while minimizing the impact of an approved variance on Chester Township and its residents. During the proposal hearing for the amendment, it was suggested by the Zoning Commission that the BZA produce a list of supplementary conditions and submit it to the ZC for consideration. As an initial response, Mr. Ziganti distributed a list of Screening and Buffer Regulations, now existing in the Chester Township Zoning Resolution, to be examined at this meeting in preparation for possible changes in the Board's future proceedings.

Before continuing, concerns and discussion about availability of past zoning training for new zoning persons to a zoning role such as on a Board or in an administrative role, were made. It was suggested that the Board examine the relevant sections of the ORC and relevant court cases to see if any new limitations had been initiated by Z-2023-1.

At this point, *The Board of Zoning Appeals (BZA) Handbook* from Hamilton County was presented and discussed as a reference and training tool available to all interested parties. The APA Ohio recommends this Handbook as a practical and thoughtful guide to understanding the basic elements of a BZA and how to effectively administer the process. The Handbook is dated 2013.

Group discussed the health, safety, morals and general welfare component of the Zoning Resolution giving the BZA the authority to add supplementary conditions.

General discussion on when a variance goes into effect and for how long: It was reaffirmed that a variance goes into effect for a parcel of land once minutes from that meeting are approved and signed during the month following that meeting. Questions/discussion arose should a property owner not start their project within one year would the variance remain in effect.

The list of *Screening & Buffer Regulations* (distributed earlier), with references to screening and buffer regulations found in the Zoning Resolution were reviewed. Group discussion on various supplementary conditions that have been used in the past by the BZA. Background of why the amendment was brought forward is attached as *Applicability of Amendment*.

To optimize communication between the three township boards, it was decided that effective immediately all three township boards will email meeting agendas and minutes that have been finalized and approved by a respective board to the other two boards. To facilitate training, it was suggested that individual members of boards attend meetings of other surrounding BZA and Zoning Commission boards. Even reading minutes of nearby townships would help educate and make all aware of procedures that might be implemented in our township.

It was discussed that producing an actual list of suggested allowable supplementary conditions would inevitably place limitations on the BZAs authority to protect the resident's health, safety, morals and general welfare due to the unique nature of each individual case. The Township Trustees were asked to provide a letter stating that the

BZA could continue to place supplementary conditions on a variance request as long as it protects the resident's health, safety, morals and general welfare, and are contained elsewhere in the Zoning Resolution.

Use of transcription software had been discussed with a previous Trustee in order to facilitate generating comprehensive draft minutes for the BZA, due to the quasi-judicial nature of the Board's hearing of appeals. Hiring a court reporter was also considered as an option. The group determined it was sufficient to continue producing meeting minutes in a full and accurate manner. We will continue our current practice of producing an audio recording of meetings. Should a BZA case be appealed to County Court, necessitating a verbatim recording of a meeting, the cost of transcribing the minutes by a court reporter will be absorbed by the appellant. With this concern, the time period for maintaining audible recordings of meetings by the Township was discussed.

Current practice of printing draft BZA minutes and BZA members picking them up will be discontinued. Draft minutes will now be sent electronically to all BZA members and comments for changes will be sent directly back to only the Zoning Admin. Draft minutes of BZA meetings will not be distributed outside of the BZA membership, unless properly requested through the Township process adhering to the Ohio Sunshine Laws. The final draft, with corrections, will be reviewed at the next BZA meeting for finalization.

Due to a change in the minutes revision policy, there are 21 sets of meeting minutes missing signature from the BZA Chairman. Zoning Resolution 12.02.04 F2 was referenced: "The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of the public hearing." Mr. Richter will put together an attestation regarding the minutes missing a signature from the BZA Chairman and sign the minutes as the Chair of the Board of Trustees.

It was noted and discussed that at the October 4, 2023 meeting, the Zoning Commission voted to archive the Zoning Matrix, last updated March 17, 2021.

Board of Trustees Meeting Called to Close at: 8:56 pm

Review of September 11, 2023 Meeting Minutes

Motion to approve the minutes of September 11, 2023 as modified.

Moved by Ms. Klemm; Seconded by Ms. Sritalapat

Ms. Fadorsen/absent; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes.

Meeting Called to Close at: 9:02 pm

Approval Date December 11, 2023

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman