

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, August 20, 2008

Call to Order

The August 20, 2008 meeting of the Oxford Board of Zoning Appeals was called to order at 7:40 p.m. by Todd Hollenbaugh, Chair.

Members present were: Todd Hollenbaugh, Gary Meyer, William Houk, George Prentice and John Barnhart.

Staff members present were Kathryn Dale, Stephen McHugh, and Lynn Taylor.

Executive Session

Chairman Hollenbaugh invited a motion for approval of the agenda with the deletion of the Executive Session.

Mr. Meyer moved approval of the agenda excluding the Executive Session. Mr. Houk seconded the motion. The motion passed 4-0.

Public Hearing

There were no public hearings for the month of August, 2008.

Approval of Minutes of the June 18, 2008 regular meeting

Mr. Barnhart moved to approve the minutes of the June 18, 2008 regular meeting. Mr. Meyer seconded the motion. The motion was approved 4-0.

Old Business

Discussion took place regarding the July 9, 2008 BZA training and the suggestions made by the consultant.

Mr. Hollenbaugh discussed how the BZA Rules of Procedure were not quite in sync with the State of Ohio Decision Standards (known as the Duncan Standards).

The BZA reviewed and made changes to the BZA Rules of Procedure, noting that the Public Hearing portion of meetings should now be referred to as Adjudication Hearings. Other revisions were noted as well. Another major change noted was the statement "person with standing", and the need for a definition incorporated into the Rules of Procedure. Mr. Hollenbaugh directed this question to Mr. McHugh and requested he provide a definition and the need for it to be expressed very explicitly.

Mr. McHugh provided his Rules of Procedure edits as well and the reasoning for them.

During discussion regarding the public notification timeframe, Ms. Dale stated modifications to the notification process were recently made by staff that more closely followed code. The

changes made affected adjacent property owners and the placing of signage at the property.

Discussion took place regarding Section 4(d) regarding the six month permitting period and if there was a need to include stronger language when a permit is revoked or in requesting an extension. Mr. McHugh to determine if stronger language should be placed in the Rules of Procedure or the Codified Code.

While reviewing Section 4(e), Mr. Houk inquired if the verbiage should be expanded upon. This section discussed that a variance similar to an application that has already been denied or granted may come back to BZA. Discussion followed. Ms. Dale stated she felt added verbiage should be located in the Codified Code than in the Rules of Procedure.

Discussion took place regarding the Decision Standards. Mr. McHugh reminded BZA that they do not have to satisfy all of the Decision Standards for each case. Mr. Houk stated he felt the current decision standards were written in a way that geared them toward commercial. Mr. McHugh stated these were court written standards. All were in agreement to change Variance 1139.02(c)(2) name change from Decision Standards to Duncan Standards.

Mr. McHugh stated to BZA that the days were over when stating a decision was made based on meeting all the Decision Standards; will need to be more specific in determining your decision making. Mr. McHugh stated the BZA could make a motion to table so that a decision could be prepared based on the evidence given; that it wouldn't be every time but there would be times when you would want time to make a decision.

Mr. Hollenbaugh distributed a statement that would be placed on the agenda which defines the Board of Zoning Appeals and states that unless you are a person with standing, you cannot provide testimony or public comment. Mr. McHugh will review this language. Ms. Dale stated staff will provide the Board with a list of adjacent property owners per case and those people if present can testify. The actual public hearing notice will no longer offer comment lines and the statement "whether in support or opposition of, you must be present and heard from in person" will be added to the notice.

The BZA requested a work session to finalize the Rules of Procedure so they may be placed on the Planning Commission agenda in September. A work session was scheduled for September 3, 2008 at 6:00 p.m.

Ms. Dale stated that changes to the Rules of Procedure made at this meeting will be incorporated, that she and Mr. McHugh will review a couple of items, and she will send out as soon as possible another draft. Ms. Dale asked that the Board inform her of anything else they see needing changed and their approval of the new draft.

Other Business

There was none.

Adjournment

Mr. Houk moved to adjourn. Mr. Barnhart seconded the motion. The motion passed 4-0. The meeting was adjourned at 8:39 p.m.