



**MINUTES OF THE:
WALNUT TOWNSHIP BOARD OF ZONING APPEALS (BZA)
REGULAR MEETING
February 10, 2022 – 8:20 PM**

Board of Zoning Appeals members present:

Ken Reinschild, Mark Helms, Alex Fant, Ron Sharpe, Alternate Martha Snavelly

Jane Hanley was absent.

Zoning Inspector: Mike Berry - present

Number of members of the public present: 1

The meeting was called to order at 8:20 PM by BZA Chairman Fant. The pledge of allegiance was recited at the Re-Org meeting earlier in the evening.

MEETING PROCEEDINGS

Approval of Minutes:

The minutes for November 11, 2021 were presented for approval. Terry Horn directed board members to footer of minutes – date is incorrect (October 14, 2021) and the variance was #21-146 not as listed #21-132. Recording Secretary will send minutes to board between 10-14 days by email. Mark Helms made a motion to approve the minutes as corrected. Ron Sharpe seconded the motion. The motion passed with 5 yes votes.

OLD BUSINESS

July 22, 2021 Special Mtg Variances minutes are missing. Secretary absent, but was going to make the minutes from the recording. Sherry Clymer variance #21-77 on her house, and variances #21-90 & #21-91 – split the property on Leitnaker, 2 variances for a total of 3. Only 1 variance with minutes printed; 2 missing minutes. Variance files (Ron Sharpe or Mike Berry) could be entered into records. Motion to approve minutes from July 22, 2021 as presented was made by Martha. Seconded by Ken. Approved by 5 yes votes.

Chair Fant hands minutes from Nov. 11 and tonight (2-10-22) that have been signed to by himself and vice chair Mark Helms to Mike Berry.

NEW BUSINESS

Chair Fant: Terry Horn presented a packet of Mtg. Structure Templates for the different meetings to all the board members. Chair Fant - These drafts are what I've been working off of tonight. Hopefully that will help in getting the consistency the Township Trustees would like to see in these hearings.

Terry Horn – a letter I wrote for this board and the zoning commission. I've now experienced 2 hearings that went to court. I volunteered to assemble all the documentation. I had no clue as to what you were looking at for the hearing, so it made it very difficult. I've tried to get things more organized so when the judge or attorneys want to know what you used and how you came to a decision, application and exhibits are included in the minutes so it's crystal clear. So, I've created these templates for all the Trustees, the Zoning Commission and the BZA and I've put things in these minutes to get you started off in the right direction for your minutes. I have exhibits already started in these templates so for the next court case I want to see a folder that says here's how they made their decision and I want to be able to hand it to the prosecutor's office?

Chair Fant: In the spirit of the suggestion, can we get our exhibits marked in the application prior to the hearing?

MB: I can do that.

TH: The way I'd like to see the exhibits numbered, use the application # A- 1 of 4, 2 of 4, etc. Each page should have an identifying number on it. Audio files will be entered with a numbering system that's compatible with what I've just talked about.

:You have the ability to do a hearing as a quasi-judicial meeting; if ever you want to, you can deliberate behind closed doors, if you so choose, that's your prerogative.

Chair F: That makes it helpful going forward. I know we've had some in the past that are a little touchy.

TH: So you guys can convene somewhere else. Mike knows where the key is to the room upstairs, and you also do not have to make a decision that night. You can defer. In the revised code just says you have to make a decision in a timely manner.

Chair F: Is that discussion private?

TH: yes, those deliberations are private with your board and you can bring, as far as I know, someone else into your deliberations if you so choose. They can be in there part time or they can be in there the whole time. So that's something good to keep in the back of your mind that you have that ability to deliberate behind closed doors.

Chair F: OK, wonderful. Do we have any other New Business going forward Anything on the horizon?

MB: No, like I said, I have several people that said they were going to put in a variance but they never did. I go through that a lot, people say they're going to do it, but they never do it.

Chair F: So as of today, are we anticipating a March meeting; we'll have our minutes from today.

MB: not right now

Chair F: In 10-14 days via email, right?

TH: One more comment. Thanks for hearing me out first of all. It's really a challenge to get all this wrapped together. But if you could just pause and give her what you want to see written in her minutes because trust me she could spend a couple hours trying to figure out what to put in these minutes if you guys could just stop even if it takes 10-15 minutes, you're going to get what you want in your minutes. Let her regurgitate it back out to you. Then she's done. She can go home and spend an hour on a hearing and be done, otherwise it could take a long time. I just know how long it would take me. So if you could do that it would be very, very helpful and you'll get your minutes the way you want them. That would be awesome.

So, what do judges want to know? He wants to know why you made your decisions, why were you for it or why were you against it. Most of the time you guys are going to be pretty consistent, but sometimes you're going to disagree, and you'll have a split decision on your vote. So that's the thing I came away with from talking to the judge; he wanted to know why you disapproved it- so that's the things he's looking for. So, let's try (we're not going to be perfect) but...

MB: the last court case we were 3-2

TH: Yea, it was a close decision. And we want to make decisions that are sound. Thank you very much.

Chair F: Any other?

RS: I appreciate your time in this. 4 meetings, let's get paid for each.

Chair F: Appreciate your concern. So noted in our minutes.

RS: I appreciate what you guys are doing. This is tough and I've seen in the past where somebody asks for a variance and only 4 people show up and a 2-2 vote doesn't carry, a tie's no good. I appreciate the people seated, the order, and I think it's only fair to the people who ask for the variance that 5 people consider the decision.

MS: It needs to be more consistent as well. All of us are fairly consistent.

RS: I do see the purpose of the hearing.

Chair F: Well, thank you sir.

Adjournment: At 8:58 PM, Ron made a motion to adjourn. Ken seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Diane Powell

