Parkman Township Board of Zoning Appeals

Special Meeting

January 30, 2017

Members present: Lucinda-Sharp Gates, Rich Hill, Betty Jo Lengel, Kathy Preston, Nancy Ferguson, and Jan Helt (Secretary)

Members not present: Dale Komandt and Cindy Gazley with apologizes.

Ms. Sharp-Gates called the meeting to order at 7:00pm. The Secretary confirmed that she had published the legal notice for tonight’s special meeting.

Ms. Sharp-Gates stated the only things that we can talk about are on the agenda, which is procedural issues, when a member should recuse themselves from voting, and to rescind the vote from the January 10, meeting. The only thing advertised was to rescind the vote.

Ms. Sharp-Gates stated Mr. Augustine complained about the date in the body of the letter sent for the December 13, 2016 hearing. Ms. Helt asked him if the December date at the top of the page and the bottom of the page did not alert him to the fact that it should be December. He said he did not realize that is what it meant. Ms. Ferguson stated he called one of the trustees and complained on the fifth of December. Mr. Augustine stated he did not remember the date that he called. Mr. Augustine also complained that he did not receive his letter for the January 10, 2017 hearing in a timely manner. He stated the letter was postmarked January 3, 2017. One week ahead.

Proper procedure for mailings to adjacent property owners was discussed by members. For the December 13, 2016 BZA meeting, Ms. Helt sent out letters that had an incorrect date in the body of the letter. The body of the letter said September 13 instead of December 13 for the hearing scheduled on December 13, 2016. At the top of the letter it did say December and at the bottom of the letter Ms. Helt signed December. As far as the January 10, meeting, which was a continuation of the December 13, meeting, our rules in our Parkman Township Zoning Book state that letters or a notice to interested parties need to be sent at least 24 hours prior to the date of such hearing. The postmark was January 3, 2017 within the allowable time. All BZA meetings are held on the second Tuesday of the month all the time and most people who live in Parkman Township are aware of that.

Our County Prosecutor has stated the following in her e-mail:

Since one of the interested parties has the notice postmarked January 3, 2017, he (and perhaps other interested parties) did not receive sufficient notice for January 10, 2017 hearing. Accordingly, at the next BZA meeting the minutes should not be approved until the Board makes a motion and passes said motion to rescind the vote for the subject variance and reschedule the hearing. Please note that the notice for the rescheduled hearing must be sent with enough time so that all interested parties are given **at least 10 day notice.**

Ms. Helt said since she is not sure of the rules and regulations at this point in time (rules in our zoning book are incorrect as per our County Prosecutor) she told our County Prosecutor that she would mail everything two weeks ahead because that is the only way that all parties will have the letters in their hands for 10 days before the scheduled hearing held at our regular meeting. Ms. Helt stated until she sees new rules and regulations to follow she will mail everything out 14 days ahead.

Mr. Hill stated that he realizes now that he should have recused himself from voting on the January 10, 2017 meeting. After some discussion the following was decided:

As to when a board member should recuse themselves from voting or sit on the board, it was decided that if they receive a letter as an adjacent property owner they should recuse themselves.

Our county prosecutor stated in an e-mail:

A board member cannot be a witness offering evidence and an impartial judge at the same time.

A motion was made to rescind the **vote** from the January 10 meeting for variance #2016-16669 and #2016-16976. The vote went as follows:

Betty-Jo Lengel YES

Lucinda Sharp-Gates YES

Kathy Preston YES

Nancy Ferguson YES

Rich Hill Abstain

**Adjournment:**

Motioned was made to adjourn, Ms. Preston seconded, the motion passed unanimously. The meeting adjourned at 7:30 p.m.

Respectfully Submitted by Jan Helt BZA Secretary, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_

Chairperson, Lucinda Sharp-Gates\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_