

**CITY OF WEST CARROLLTON  
BOARD OF ZONING APPEALS  
November 9, 2023**

Members Present

Jim Folker  
Janet Myers  
Misty Potts  
Charles Bates  
Charles Gau

Staff

Greg Gaines, Director of Planning and Community Development  
Samantha Morgan, Administrative Assistant

Members Absent

None

City Council Liaisons

None

The meeting was called to order at 6:30 p.m. Following the Pledge of Allegiance, the roll call was taken noting all members present.

**APPROVAL OF AGENDA**

There was a motion by Mr. Gau and second by Mr. Bates to approve the agenda as submitted. The motion was unanimously approved.

**APPROVAL OF MINUTES**

There was a motion by Ms. Potts and second by Ms. Myers to approve the minutes of June 9, 2022 as submitted. The motion was unanimously approved.

**PUBLIC HEARINGS**

There were no public hearings.

**DECISION ITEMS**

There were no decision items.

**DISCUSSION ITEMS**

Mr. Gaines explained that since the board had not met in quite some time and also since an administrative appeal application had been filed for the board's consideration in December, he wanted to have a meeting to refresh their memories about appeals applications. He first distributed a handout describing the role and responsibilities of the board, and he read the provision regarding administrative appeals. He noted that an appeal application requires a public hearing, and the burden of proof is on the applicant. He explained the standard for the board's decision is was the decision made by staff reasonable and consistent with the code. The reasons for the board's decision must be written into the resolution.

Ms. Myers asked if the board can add their opinions to the resolution. Mr. Gaines replied that it is very important for the Board of Zoning Appeals in particular to "build the record" for a decision in terms of stating during the deliberations and vote on a case the reasons why each member is taking a certain position. This is because if the decision is appealed to the Montgomery County Court of Common Pleas, those

deliberations and the reasoning reflected on the record is what the judge will use to determine if the decision was reasonable.

Mr. Gaines then handed out the form for an appeals application. He indicated that the application form mirrors the code language, in that the applicant must provide the code provision which is under consideration, their interpretation of staff's decision, and why they disagree with that interpretation.

Mr. Gaines then handed out the staff report and resolution for case A-20-1, which was an appeals application in 2020. He made a PowerPoint presentation using this case as an example of an appeals case. A copy of the presentation is attached to these minutes.

Ms. Myers asked if Mr. Gaines could give them any information on the case that they will be hearing in December. Mr. Gaines answered saying they cannot discuss anything regarding the pending case outside of the public hearing.

Ms. Potts asked if they would receive the information in time to recuse themselves if necessary. Mr. Gaines explained that staff will deliver the BZA packets the Friday before the meeting on the following Thursday.

### **Report by Director**

Mr. Gaines mentioned that he has been out due to surgery and is catching up on everything. Mr. Gaines introduced Samantha Morgan as the new Administrative Assistant. Mr. Gaines reminded everyone that the Ethics training needs to be completed as it is a requirement of the board and to send a copy of the completion certificate for our records.

Ms. Meyers asked for an update about the water tower that was hit by the semi-truck this week. Mr. Gaines stated that the water tower is scheduled to be demolished on Wednesday for future development of the property.

Mr. Folker questioned where are we in the process for the underpass project. Mr. Gaines answered that the plans are finished but staff had to apply for a permit from ODOT, and staff has gone through three rounds of comments which has delayed the project by months. He described some of the planned improvements. He said due to the weather the project may be delayed until the spring.

Ms. Potts mentioned she is excited for the River District to open to bring in more visitors. Mr. Gaines said that Mr. Lucking has been working on securing funds to construct the project.

Mr. Gau asked if the city had bought the gravel pit ponds across the bridge. Mr. Gaines explained that the city has not bought them but the city hired a consultant to prepare a plan for that area, titled the Western Lakes Master Plan, which proposes to use the lakes as amenities in a recreational district to draw people into the city. A discussion ensued about ownership of the land.

The conversation went back to the River District and the plans for that area. Mr. Gau said he is in favor of doing it right, and not just letting anything in there. Mr. Gaines said he was glad to hear that, as that has been the city's position, that we can do better. He explained the city has a relationship with a developer and has a

plan for that area which is being actively marketed. He said the current market is making it a little more challenging. Ms. Potts asked what the plan is for that area, and Mr. Gaines said something similar to Austin Landing or The Greene where there is a mix of uses including retail, restaurants, high end condos and a hotel.

Ms. Potts said she loves everything the city is doing by the river, with the concerts and different fun activities. Mr. Gaines said the idea behind that is to have people experience the river again and see the potential of the area, and to support the plans the city has for the area.

**Briefing by City Council Representatives**

There were no City Council representatives present.

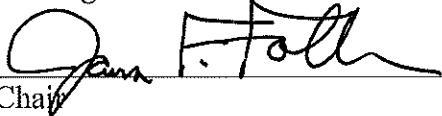
**Unscheduled Business**

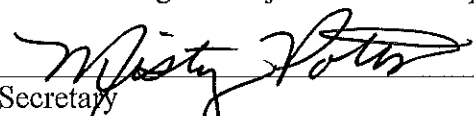
There was no unscheduled business.

Mr. Folker noted that the next meeting is scheduled for December 14, 2023.

**ADJOURNMENT**

There being no further business, there was a motion by Ms. Potts and second by Mr. Bates to adjourn the meeting. The motion was unanimously approved and the meeting was adjourned at 7:07 p.m.

  
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Chair

  
\_\_\_\_\_  
Secretary

Date: 12/14/2023

Date: 12-14-2023