

MINUTES

DEFIANCE TOWNSHIP ZONING BOARD OF APPEALS 02-23-2010 MEETING

DATE: Tuesday, February 23, 2010

LOCATION: 500 Court Street – County Commissioners 2nd floor Conference Room

TIME: 7:00 P.M.

Meeting was called to order by Mr. Lynn Keller, Chairman of the Defiance Township Zoning Bd of Appeals. Mr. Keller asked the clerk to call the roll.

The Clerk then called the roll for attendance. Board of Appeals members present were: Lynn Keller, Larry Plummer, Thomas Rosendale, Roy Perez & alternate Robert Williamson. With four of five members and an alternate answering present a quorum was declared.

Other Township representatives present were: Mr. James Schlegel – Township Zoning Inspector, Mr. Dan Peck, Charles Bakle, Diana Mayer – Township Trustees, & Ruth Ann Schofield (zoning commission member).

Visitors present were: Penny Bakle 1204 Wayne Ave., Kenneth & Mary Forst 12023 Canal Rd. & JoEllen Houck 8 Deville Driver.

Chairman Keller then read item 1 of the agenda:

Item 1: A request for a "variance" relative to set back requirements for home construction and a "variance to lot size requirements" had been made by Ken Frost of 12033 Canal Rd., Defiance, Ohio, 43512. The parcel is located on the east side of Canal Road south of the Winn Rd-Precision Way intersection in Northwest corner of the Northeast quarter of section 34 of Defiance Township, Defiance County, Ohio. The parcel ID is B1100-3400-1202.

- 1) Mr. Keller noted that a packet of information was provided to each Board member.
 - a) Zoning Appeal board members reviewed the attachments:
 - i) copy of application for the "variances" –
 - ii) a Soil & Water review
 - iii) aerial of full parcel from co auditor's web page
 - iv) a sketch of the property and proposed house location was presented at the session
- 2) Mr. Keller asked the Zoning Inspector (Mr. Schlegel) to review the proposal for the Board.
 - a) Schlegel stated the property had been reviewed by Soil and Water and there are no known issues to deny the requests.
 - i) The proposed home location on the parcel fails to meet the set back requirements by 15'. In the opinion of Schlegel the home can not be positioned on the parcel in a way that would allow for the required set back.
 - b) Frost said they have an existing residence on the parcel. The owners (Frosts) want to build a home and remove the existing unit.
- 3) Mr. Keller asked for comments or questions from the Board members.
 - a) Plummer noted that there has been a residence on the parcel as long as he can remember. All board members agreed.

- b) Rosendale said the construction of a new residence would add value to the parcel and enhance the neighborhood.
- c) Keller stated that in his opinion the lot is not usable in its current size and so the variance is a reasonable request.
- d) Keller noted that this is a unique issue and the Board does not wish to set a precedence regarding approving variances to set back or lot sizes, however, this parcel has been this size for decades and a denial would make this long time parcel without value.

- 4) Mr. Keller then asked if there were any other comments or questions from the Board or citizens present relative to the set back variance request.
- a) There were no comments.

Mr. Keller then asked if there was a motion to approve or disapprove the variance request.

Mr. Plummer moved to approve the requested “variance” to the Township’s set back requirements for this specific parcel and the proposed home construction.

Mr. Rosendale seconded.

The clerk called the roll.

Larry Plummer,	<u> yea </u>	Thomas Rosendale	<u> yea </u>
Robert Williamson	<u> yea </u>	Roy Perez	<u> Yea </u>
Lynn Keller	<u> yea </u>		

The vote being five yea’s and no nea’s - the motion to approve the “variance” to the Township’s set back requirements was approved.

- 5) The Chair then asked for comments or questions regarding the second variance request for this parcel. This request was to allow construction of a home on a parcel of less than one acre in size.
- a) The Board concurred with the same reasoning as noted in the set back discussion. The Board also noted that this parcel is served by Defiance City Water and Sewer.

Mr. Keller then asked if there was a motion to approve or disapprove the variance request (variance to required lot size of a minimum of one acre).

Mr. Plummer moved to approve the requested “variance” to the Township’s parcel size rule for this specific parcel as Defiance City Water & Sewer provide those services and the parcel would be unusable without said variance.

Mr. Rosendale seconded.

The clerk called the roll.

Larry Plummer,	<u> yea </u>	Thomas Rosendale	<u> yea </u>
Robert Williamson	<u> yea </u>	Roy Perez	<u> Yea </u>
Lynn Keller	<u> yea </u>		

The vote being five yea’s and no nea’s - the motion to approve the “variance” to the Township’s parcel size requirement was approved.

- 6) The Chair asked if there was any other business to come before the Board.

There was none.

There being no further business to come before the Board of Appeals Mr. Keller requested a motion to adjourn the meeting.

Motion by: Williamson

Second: Perez

YEA(s) 5 NAY(s) 0 Passed X Failed

The meeting adjourned.