

MINUTES
DEFIANCE TOWNSHIP ZONING COMMISSION
3-23-2010 MEETING

DATE: Tuesday, March 23rd, 2010

LOCATION: Defiance County Commissioners building- 2nd floor conference room
500 Court Street - Defiance, Ohio

TIME: 6:30 P.M.

Meeting was called to order by Vice Chairman Randy Wilde. Wilde instructed the Clerk to call the roll.

Zoning Commission members present were: Randy Wilde, Vice Chair, Sam Bok, Wayne Schaffer and Ruth Ann Schofield. Tom Mick was absent. Alternate John Marcellus answered present. The clerk reported 4 of 5 Commission members and an alternate as present - a quorum was declared.

Other Township representatives present were: James Schlegel – Township Zoning Inspector, Charles Bakle and Diana Mayer Twp Trustees.

Public present was: Jeff Ankney, Supervisor of Defiance County Soil & Water.

The Vice Chair turned the session over to the clerk for purposes of reorganizing the Commission.

- 1) Item one: The Clerk called for nominations for the purpose of "Election of the Chair".
 - a) Wilde nominated Schofield
 - b) Bok – seconded
 - c) There were no further nominations.
 - d) The Clerk called for a roll call for a vote.

The vote being 5 Yea(s) 0 Nea(s)

Schofield was elected Chair.

- 2) Item two: Schofield then assumed the gavel and asked for nominations for "Vice – Chair".
 - a) Schofield nominated Wilde for Vice Chair
 - b) Schaffer seconded. There were no other nominations.
 - c) Schofield called on the Clerk to conduct a roll call vote.

The vote being 5 Yea(s) 0 Nea(s)

Wilde was elected Vice Chair.

3) Items to come before the Commission

- a) Zoning Inspector Schlegel presented a draft of a revised Twp Zoning Map. Commission members had this item as (exhibit 3-a). Schlegel and Jeff Ankney of Defiance County Soil & Water explained the proposed changes. The map had last been revised in 2007. Soil and Water edited the map under contract with the Township.
 - i) Schlegel and Ankney stated that the changes were made to conform to the County Auditor's tax map. Schlegel proposed to change the current inconsistencies to whatever the Auditor's map indicated the parcel was being taxed as.

- ii) Other changes included notations of “conditional use” permits that have been granted by the Twp Appeals Bd since the last time the Twp amended the zoning plan in 2005.
 - iii) There was some discussion on several specific parcels (Webb’s Trucking – no proposed change, Price property on Cromley rd – conditional use, Twp parcels surrounded by def city to be more clearly defined)
 - iv) Commission members will continue to study the draft zoning map and will discuss again at the 2nd of the three required monthly hearings in this review process.
- b) The Commission then reviewed and discussed the Twp Land Use Map (last edited in 2005) which they had in their agenda’s as (exhibit 3-b).
- i) The Chair recognized the clerk.
 - (1) Houck explained that he had recently attended the Ohio Twp Association’s winter conference and attended a training session on zoning. Attorney’s making the presentation stated that for a Twp to have a legal zoning plan three parts were required:
 - (a) Text (written rules-codes)
 - (b) A zoning map; and
 - (c) A land use or planning map.
 - (i) The land use map must show where the Twp will allow the uses that are defined in the codes and rules. If a zoning designation is noted in the rules such a designated area must be on the planning map.
 - (2) The commission reviewed the current planning map and noticed immediately that the designation for “Prime Manufacturing” was not on the Twp map but is in both the legend and the code. The map must be revised.
 - ii) Commission members determined to continue to the study and review again in the 2nd of the three required monthly hearings in this review process.
- c) Exhibit 3-c was then reviewed. This item is an email noting questions the Zoning Inspector had which if adopted need to be approved by the Zoning Commission.
- i) The clerk reported that the prosecutor has deemed the 4th item on the email a non issue. The responsibility is with the Co Health Department and is not under the authority of Twp Zoning.
 - ii) The Chair asked for discussion on exhibit 3-c
 - (a) Questions on the exhibit:
 - (i) section 970 & 971 of the Twp’s zoning regulations which are relative to Ponds and Farm Ponds currently states a conditional use permit is required. Present practice has been to have the proposed pond reviewed by soil and water and if no objections are found the zoning inspector simply issues the permit. Can the zoning code be modified to allow this practice to continue? Would that be the responsibility of the zoning commission?
 - 1. Schlegel explained that Soil and Water inspect the parcel and issue their approval that such a pond would not negatively impact the neighbors. Schelegel suggests the citizens should not have to pay a \$250 meeting fee to get a pond constructed. The proposal is to check in Soil & Water’s data banks for references in other Def co Townships as to what language they use. Schlegel wishes to make this item a permitted use not the current conditional use which requires a hearing of the Bd of Appeals. However, the permitted use would only be applicable if Soil and Water approved the project.
 - 2. Commission members determined to continue to study and review again in the 2nd of the three required monthly hearings in this review process.
 - (ii) Section 972 deals with Temporary Manufactured Homes and Mobile Homes. Should a citizen be required to apply for a conditional use permit at a cost of \$225 plus zoning permit?
 - 1. Schlegel proposed there is a need for new language to eliminate the “conditional use designation” and make the item a permitted item. (would not require a meeting of the Appeals Bd).
 - (iii) Section 1018 deals with set back requirements for accessory buildings to the front of the principal structure. Trustees brought forth this item – the Twp seeks to re-word

this section to allow a reconstruction of an outbuilding in the same location where an older outbuilding had been torn down or destroyed particularly when there are no neighboring homes on adjoining property and or the outbuilding does not obstruct line of sight of adjoining principal structures and or sits back off the road a considerable distance.

1. Schlegel noted that there are many older properties that have out buildings that protrude in front of the primary residence.
2. Commission members asked how this might be a problem.
 - a. It was noted that neighbors' may object to a building that sets in front of their residence blocking view. Without the hearing adjoining property owners would not have an opportunity to object.

(iv) The Twp requests wording reference to "open burning". There are EPA regulations, which Jim feels this needs addressed in the Twp regs. He proposes the Twp regulations should note that the fire department will be called and the fire department is the enforcing body.

1. Per the prosecutor's office this item does not fall under the purview of the Zoning Commission. Opening burning is ban in the state and the twp is not law enforcement.

(b) The Commission asked Soil and Water to research its files for possible language to address any of these concerns and if possible to provide that language to the Commission before the next public hearing on these matters.

d) The Chair asks if there are any other matters, zoning rules or amendments to be proposed for review by the Commission.

i) The clerk then passed out informational items to all Commission members:

(1) "the Role of Township Zoning Bodies"

(2) "Township Zoning updates"

(a) These items were from the Ohio Twp Association's winter conference.

ii) Schofield passed out a handout titled – "Ohio Ethics law and related studies" - this too came from the winter conference.

4) **NEXT MEETING:**

Date: Tuesday, April 27th, 2010

Time: 6:30 p.m.

Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
500 Court Street - Defiance, Ohio

There being no further business to come before the Commission, Schofield requested a motion to adjourn the meeting.

Moved by: Wilde

Seconded by; Schaffer

The roll was called and the vote was:

YEA(s) 5

NAY(s) 0

The motion: Passed X

Failed

MEETING ADJOURNED

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Respectfully Submitted

Timothy J. Houck, Fiscal Officer-Clerk