

MINUTES

DEFIANCE TOWNSHIP ZONING COMMISSION

4-27-2010 MEETING

DATE: Tuesday, April 27th, 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 Tom Mick. RuthAnn Schofield was absent. Alternates John Marcellus & Richard Wagner also answered present. Wagner was seated as the fifth voting member. 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, Dan Peck and Diana Mayer Twp Trustees.

Public present was: Penny Bakle 1204 Wayne Ave & JoEllen Houck 8 Deville Dr. Defiance.

- 1) **Review and approval of minutes of the March 23rd**, Defiance Township Zoning Commission's 1st public hearing on possible revisions and/or edits to the Twp's Zoning Plan.
 - a) Wilde requested a motion for the approval of minutes of the Zoning Commission's March 23rd session.

Schaffer moved to accept the mins

Wagner seconded

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

The MINUTE'S for the March 23rd session were approved.

2) Items to come before the Commission

- a) **2nd Review and discussion of the Twp Land Use Map.** A draft of the proposed revised Twp Zoning Map was reviewed. The draft remained unchanged from the 1st session in March when the Commission members had this item as (exhibit 3-a). Zoning Inspector Schlegel stated again that the draft changes, as noted in the March session, were simple updates to reflect the actions of the Appeals Board since the last revisions to the map which were made in 2007. This year's draft was prepared initially by Schlegel and Jeff Ankney of Defiance County Soil & Water. Soil and Water edited the map under contract with the Township.
 - i) Schlegel also again stated that the changes were made to conform to the County Auditor's tax map.
 - ii) Commission members will continue to study the draft zoning map and will discuss again at the 3rd 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 been provided in the March 23rd session (exhibit 3-b).
 - i) The Chair recognized the clerk.
 - (1) Houck explained that the Commission was to have studied the map to determine where it wished to include an area for Prime Manufacturing.
 - (2) Houck noted that the Land Use Map under which the Twp Zoning Plan is now using lists this designation in the legend and in the text of the plan but fails to have an area of the Twp on

the Land Use Map so designated. Such an omission could place the Twp's Zoning Plan in legal jeopardy.

- ii) Commission members noted another discrepancy which is that the Def City boundaries did not appear to be accurately defined. Commission members thought it best to have that issue clarified before attempting to determine where they wished to designate the "prime manufacturing" area.
- iii) The Commission instructed the Zoning Inspector (Schlegel) to take the "Land Use" map to Soil & Water and get the boundaries between the Twp and City correctly depicted.

c) **2nd review of proposed text changes to the Twp Zoning Plan.** The proposals are listed below and taken from the emails previously provided to zoning commission (as exhibit 3-c) in the March session. The questions were prepared by the Zoning Inspector and had been reviewed by the Prosecutor's office prior to the 1st hearing in March.

a) The Chair asked for discussion on items:

i) Questions:

(1) section 970 & 971 of the current approved Twp Zoning Plan relative to Ponds and Farm Ponds 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?

(a) Exhibit 1-a was reviewed by the Commission. This is an email from soil and water, as requested in the March session by the Commission, which provides possible guidance as to revised language.

(i) The Commission agreed with the change concept and instructed Schlegel to meet with Soil & Water and write up draft language to modify the current Twp Zoning Plan sections 970 & 971 to achieve the proposal to make the construction of ponds a permitted item with an approval review by the soil & water group.

(2) Section 972 of the current approved Twp Zoning Plan deals with Temporary Manufactured Homes and Mobile Homes. Schlegel asks - should a citizen be required to apply for a conditional use permit at a cost of \$225 plus zoning permit with its fee?

(a) Exhibit 2-a was reviewed by the Commission. This is an email from soil and water as requested in the March session which provides possible guidance as to revised language.

(i) The Commission again directed that Schlegel provide the Commission with draft language to modify the current Twp Zoning Plan. This effort will combine part of the current text and part of the language in the exhibit. Schlegel is to review this with Soil and Water and email the draft to Commission members..

(3) Section 1018 deals with set back for accessory buildings to the front of the principal structure. Trustees requested the Zoning Commission to review this section and 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.

(a) Again, the Commission directed Schlegel to present language in draft form that meets this request. The draft is to be emailed to the Commission members before the next session.

ii) The secretary noted that it may be prudent to have the prosecutor's office review the proposed language before the next session as well. Commission members concurred.

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

i) There were none.

c) The Chair asked for any comments from the public in attendance.

i) There were none.

3) NEXT MEETING:

Date: Tuesday, May 25th, 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, Wilde requested a motion to adjourn the meeting.

Moved by: Schaffer

Seconded by; Bok

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