

MINUTES DEFIANCE TOWNSHIP ZONING BOARD OF APPEALS 07-14-09 MEETING

DATE: Tuesday, July 14, 2009

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, Bruce Hahn, Thomas Rosendale, Larry Plummer & 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 & Mr. Richard Ankney – Township Trustees.

Visitors present were: Neal Keller 12894 Keller Rd, & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

Chairman Keller then excused himself from the session noting he is a cousin to the variance applicant.

Mr. Plummer was directed to chair the session.

Mr. Plummer read item 1 of the agenda:

Item 1: A request has been made by Mr. Neal Keller 12894 Keller Rd, Defiance, Ohio, 43512 requesting a "variance" to the Township's Zoning "set back" requirements. The applicant proposes to construct a "machine shed-outbuilding" on his property to replace a barn. Mr. Keller seeks relief from the Township's set back requirement.

Zoning regulations requires that outbuildings must be set back from the front of the residential property. The proposed outbuilding (which is to be constructed laterally from the residence would be partially forward of the front of the residence.

The affected Keller parcel is "a part of the Southeast quarter of the Southeast quarter of section 32, Township4 North, Range 4 east in Defiance Township on the west side of Keller Road $\frac{1}{4}$ mile north of Powers Road. The parcel ID is B11-0032 000 502.

- a. Mr. Plummer noted that a packet of information was provided to each Baord member. This packet contained:
 - a. copy of the "variance application" – with property perspective on justification
 - b. a Def Co Auditor's Parcel data sheet
 - c. aerial of parcel from Soil & Water
 - d. a 2 page packet of sketches of the property and proposed shed location
- b. Mr. Plummer then asked if anyone wished to comment on this proposal.

a. There were no comments.

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

Mr. Rosendale moved to approve the requested "variance" to allow for the construction of the outbuilding to exceed the front of the residence. Mr. Williamson seconded.

The clerk called the roll.

Larry Plummer, Chair yea

Thomas Rosendale yea

Robert Williamson yea

Bruce Hahn Yea

The vote being four yea's and no nea's - the motion to approve the "variance" was approved.

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

Mr. Rosendale asked why such a rule was in the zoning code. There were many properties that have an outbuilding, barn etc adjacent to and at in part or in whole in front of the home.

There was no one present that could detail the reasoning for this rule.

Mr. Lynn Keller said he agreed and that many of the old properties were like that. He said he counted at least 40. Mr. Lynn Keller suggested it might be prudent to activate the Zoning Commission and repeal this particular rule or write a rule that grandfathered in the older or existing properties where this situation already exists.

Mr. Plummer noted that today, most rural areas have this rule in their zoning codes.

It was noted that anyone can request the Zoning commission to review a rule. Mr. Schlegel stated that if the zoning Commission should decide to again review and edit-amend the rules he has several other suggestions for them to review. The clerk noted that amending the zoning rules is at least a three month process and that the Twp did a zoning amendment in 2005.

There was no other action or discussion.

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

Motion by: Mr. Williamson

Second: Mr. Hahn

YEA(s) 4 NAY(s) 0 Passed X Failed _____

The meeting adjourned.