

*Minutes*  
***DEFIANCE TOWNSHIP TRUSTEES***  
***SPECIAL SESSION SEPTEMBER 9<sup>TH</sup>, 2010***

The Defiance Township Trustees met in a special session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Thursday September 9<sup>th</sup>, 2010 at 4:30 p.m. The Chair instructed the clerk to call the roll. Answering as present were Daniel Peck, Charles A. Bakle Jr. and Diana Mayer; also present was Tim Houck, Township fiscal officer -Clerk. All three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was present.

This special session was called to accept the resignation of the Township's Zoning Inspector and to review applications and appoint a replacement.

Visitors present: Jason Shaffer 13386 State Rte 15, and Rod Rittenhouse P.O. Box 382 - all of Defiance, Ohio.

**ORDER OF BUSINESS NO. 1 - Personnel –**

- a) Trustees reviewed exhibit 1-a which was an email from Mr. James Schlegel – noting he intended to officially end his duties as Zoning Inspector for the Township on Tuesday September 7th, 2010. The email was dated September 1st. Without discussion:

Peck moved to accept the resignation.  
Mayer seconded.

The vote being   3   Yea(s)   0   Nea(s)  
The Trustees accepted the resignation.

- b) Trustees then reviewed application(s) for possible hire to fill the Township's Zoning Inspector position. The position was posted on the public bulletin board in the Commissioner's building as required. There was one application submitted from Jason Shaffer 13386 State Rte 15, Defiance, Ohio. This application was presented to the Trustees as exhibit 1-b.

Chairman Bakle asked for a motion to go into executive session for the purpose of discussing/reviewing the application for the Twp's Zoning-Nuisance Inspector position & to establish a pay rate for same.

Peck moved to go into executive session for the purpose of reviewing applications and discussing a pay rate for the Zoning Inspector's Position.

Mayer seconded.  
The vote being   3   Yea(s)   0   Nea(s)  
The Trustees moved into executive session.

- c) Trustees returned from Executive session chambers and Chairman Bakle asked for a motion to end the executive session and return to the regular session.

Peck moved to end the Executive session and return to the regular session.

Mayer seconded.  
The vote being   3   Yea(s)   0   Nea(s)  
The motion passed.

- d) The Chair asked for any discussion on the hiring for the Twp's Zoning-Nuisance Inspector position & the establishment of a pay rate for same.

i) Trustees asked Shaffer if he felt he would be able meet the needs of this position given his daily

work. Shaffer answered in the affirmative.

Peck moved to employ Shaffer as the Township's Zoning-Nuisance Inspector for a 120 day probationary period at \$450 per month. (September to be pro-rated from the 8<sup>th</sup>.) If the service is deemed acceptable at the conclusion of the probationary period, the appointment will be permanent and the salary will be adjusted to \$479 per month (that rate which was established in the January 2010 re-organizational session of the Twp for this position).

Mayer seconded.

The vote being   3   Yea(s)   0   Nea(s)

The motion passed.

- e) The Chair asked if there were any other issues to be discussed.
- i) Mr. Rittenhouse was recognized.
  - ii) Rittenhouse wished to present to the Trustees his position on the rejection by the Twp Zoning Board of his request for a "zoning change" for home construction. Rittenhouse requested approval to change the zoning of a parcel now designated agriculture to R-1 residential. The parcel is located on the north side of County road 424 (former US 24) east of Ashwood Rd in the southeast corner of the northwest quarter of section 30 of Defiance Township, Defiance County, Ohio. The parcel ID is B1100-30000-602.
  - iii) The Twp Zoning Board rejected the request based on its determination that approving such a request was "spot Zoning".
  - iv) Rittenhouse made the following points:
    - (1) "spot zoning" is not adequately defined in the Twp Zoning Plan – it is too all encompassing, arbitrary and is – in this case – inconsistent with the Zoning Code of the Twp which calls for the "highest and best" use of a parcel.
    - (2) The r-1 zoning is the highest and best use for this parcel as the parcel is not now farm ground and isn't farmable, and is in part woods.
    - (3) If left as zoned or if zoned "conditional use" – r-1 residential he could place a hog farm on this property.
    - (4) "wouldn't the neighbors think that an r-1 zoning which would prohibit use as a farm or anything other than home construction is preferable to any other zoning?"
    - (5) The local government entities would see a higher tax evaluation for an r-1 parcel than for an ag zoned parcel.
    - (6) "it just makes since to zone the parcel for what it is or will be – a residential property".
    - (7) An r-1 zoning would raise the value of the neighboring property.
  - v) Trustee Mayer noted that the "conditional use" designation would allow for the house construction – why is that a problem?
    - (1) Rittenshouse responded that it is a matter of principal based on the points he has made.
  - vi) Trustee Bakle noted that the Northwest Ordinance of 1789 denotes that all Twp area should be agricultural except for 1 square mile that is to be designated for schools.
    - (1) Further, Mr. Bakle acknowledged that conditions have changed over the years but it is still important to keep agricultural designated areas as much as is possible.
  - vii) Trustees noted that will take this under advisement and that they will render a decision as required per the Zoning code at their September meeting.
- f) Chairman Bakle asked if there were any other items to come before this session.
- i) Mr. Peck was recognized. He stated he contacted a company (Bower Foundations of Defiance) that will provide a quote to straighten tombstones at our cemeteries.
  - ii) Trustees asked that Mr. Peck present the information at the September session for discussion.
- g) Bakle asked if there were any other items to come before this session. T
- i) here were none.

Mr. Bakle requested a motion to adjourn the "special session" of September 9<sup>th</sup>, 2010

It was moved by: Peck  
SECOND by: Mayer

The roll was called and the vote was:

YEA(s) 3

NAY(s) 0

The motion:

Passed X

Failed

The meeting adjourned.

MEETING ADJOURNED

Respectfully Submitted

Timothy J. Houck, Fiscal Officer-Clerk