

MINUTES

DEFIANCE TOWNSHIP ZONING BOARD OF APPEALS 03-30-2010 MEETING

DATE: Tuesday, March 30, 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, Bruce Hahn, 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, Charles Bakle, – Township Trustee, & Ruth Ann Schofield (zoning commission member).

Visitors present were: Dave Hunt 12033 Canal Rd.

Chairman Keller then read item 1 of the agenda:

Item 1: A request for a "variance" relative to set back requirements for an outbuilding has been made by Dave Hunt of 15928 Power Dam Road, Defiance, Ohio, 43512. The parcel is located just north of the County Line on the west side of Power Dam Road in Southwest Quarter of section 17, Township 3 North, Range 4 East, Defiance Township, Defiance, County, Ohio. The parcel ID is B1100-17D00-400.

- 1) Mr. Keller noted that a packet of information was provided to each Board member.
 - a) copy of application for the variance –
 - b) a copy of the legal description as received by the clerk
 - c) a Soil & Water review
 - d) aerial of full parcel from co auditor's web page
 - e) land owner's explanation for variance

- 2) Mr. Keller asked the Zoning Inspector (Mr. Schlegel) to review the proposal for the Board.
 - a) Schlegel stated the proposed outbuilding will protrude towards the road and part of the structure will be further towards the road than the residence. Per the zoning code this is a violation without the requested variance.
 - b) Further, Schlegel noted that the residence is further back off the road than the neighbors' homes on either side. Therefore, the out building would not protrude in front of any neighboring residence. Schlegel referred the Appeals board to the drawing and the aerial.
 - c) Hunt was recognized and state he had spoken with the immediate neighbors and they have no objection. He stated that constructing the building behind the front of his house blocks the river view and you buy property bordering the river in part for this view. He said he could move the structure across the road from his residence but this creates a significant inconvenience.
 - d) Bd member Perez questioned a fire safety issue. Perez pointed out that the building, if constructed as proposed, would be close to a line of evergreen trees. Perez thought the building being located so close to the tree line created a more could be a fire hazard if either caught on fire.

- i) Hunt replied that the row of trees had been there a long time and if they caught fire it is just as likely that sparks would then set the homes nearest the trees on fire anyway. Hunt did not see this as sufficient means to deny the request.
- e) Schlegel noted all other setbacks met code – the only issue is that the out building sets in front of the primary residence. Schlegel continued, that this section of the zoning code is before the Twp Zoning commission at this Bd's and the Trustees request. He stated there are many older parcels with outbuildings in front of the primary residence. He is proposing language to allow such construction without requiring a variance under certain conditions. However, at this time the Twp Zoning codes require a variance and thusly this hearing.

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

Mr. Hahn moved to approve the requested "variance" to the Township's set back requirements for outbuildings relative to its position to the primary home on the parcel.

Mr. Perez seconded.

The clerk called the roll.

Bruce Hahn,	<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 nay's - the motion to approve the "variance" to the Township's set back requirements was approved.

- 3) 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

Seconded: Rosendale

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

The meeting adjourned.