

MINUTES
DEFIANCE TOWNSHIP ZONING COMMISSION
5-25-2010 MEETING

DATE: Tuesday, May 25th, 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 Chairman Ruth Ann Schofield. Schofield instructed the Clerk to call the roll.

Zoning Commission members present were: Randy Wilde, Sam Bok, Wayne Schaffer, Tom Mick and Ruth Ann Schofield. All members being 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, Richard Ankney 19133 Hammersmith Rd., Margo Straman 15367 St Rt 66, & JoEllen Houck 8 Deville Dr. Defiance.

- 1) **Review and approval of minutes of the April 27th**, Defiance Township Zoning Commission's 2nd public hearing on possible revisions and/or edits to the Twp's Zoning Plan.
- a) Schofield requested a motion for the approval of minutes of the Zoning Commission's April 27th, session.

Schaffer moved to accept the mins

Wilde seconded

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

The MINUTE'S for the April 27th session were approved.

2) Items to come before the Commission

- a) The Commission then conducted the 3rd Review of the edited Twp Zoning Map(last edited in 2005). This revised map was originally distributed to each Commission member in the March session. It was re-distributed as exhibit 1 at this session.
 - i) Soil and Water created the map under contract with the Township, edits have been made per the past two sessions discussions.
 - ii) Mr. Schlegel was called on to explain:
 - (1) Schlegel stated that the draft changes, as noted in the past two Commission meeting sessions, were simple updates to reflect the actions of the Appeals Board since the last revisions to the map which were made in 2007 and also noted that changes were made to conform to the County Auditor's tax map.
 - iii) The Commission thanked Mr. Schlegel for his work.

It was moved by Schaffer to approve the revised Twp Zoning Map as presented at this the 3rd public hearing on the review of the Twp's Zoning Rules-Plan.

Seconded by Wilde

The vote being 5 Yea(s) 0 Nea(s) the Zoning Map was adopted.

- b) The Commission then addressed the 3rd Review of the Twp Land Use Map (last edited in 2005). This revised map was originally distributed to each Commission member in the March session. It was re-distributed as exhibit 1 at this session.
- i) Soil and Water created the map under contract with the Township, edits have been made per the past two sessions discussions.
 - ii) Mr. Schlegel was called on to explain:
 - (1) Mr. Schlegel explained that this drawing was revised to include all noted Zoning designations which are referred to in the written portion of the Plan. It was learned at a recent Ohio Twp Association training that it is a legal requirement to have the written designations noted on the Land Use Map.
 - (2) Schlegel continued that the Land Use Map under which the Twp Zoning Plan is now using lists as a designation in the legend "Prime Manufacturing Ground". This designation is used 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.
 - (3) The Land Use Map was also revised to accurately reflect the boundary between the City of Defiance and the Township. This had been changed due to some annexation over the past several years.
 - (4) Schlegel said this revised Land Use Map now accurately reflects boundaries and designations to the best of his and Soil & Water's knowledge.
 - iii) The Commission again thanked Mr. Schlegel for his work.

It was moved by Schaffer to approve the revised Twp Land Use Map as presented at this the 3rd public hearing on the review of the Twp's Zoning Rules-Plan.

Seconded by Wilde

The vote being 5 Yea(s) 0 Nea(s) the revised Land Use Map was adopted.

- c) The 3rd review of proposed text changes to the Twp Zoning Plan was then undertaken by the Commission. As directed by the Commission, Mr. Schlegel had drafted proposed language for three items. This revised language stemmed from the proposals listed from an email previously provided to the 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.
- i) The proposed new draft language follows:
 - ii) Proposed Changes to Zoning Regs.- presented to the Zoning Commission for review at the 3rd public hearing on proposed Zoning Plan changes - May 25, 2010 Commission session
 - (1) Section: 970-971 Ponds & Farm Ponds – the following will replace current language:
 - (a) All Ponds will be a Zoning use permit. The permit will be issued by the Zoning Inspector with the following criteria to be met.
 - (i) Ponds must be setback at least twenty-five (25) feet from side property lines;
 - (ii) Ponds must be setback at least twenty-five (25) feet from the road right-of-way;
 - (iii) The pond shall not alter the natural drainage of the land;
 - (iv) The soil excavated from the pond shall be contoured and landscaped to be in harmony with the existing terrain;
 - (v) The creation of the pond shall not obstruct the line of sight from adjacent properties;
 - (vi) A man-made pond shall have a minimum depth at least eight (8) feet.
 - (vii) All ponds shall be approved by the Defiance Soil & Water District Office, before a Zoning Permit is issued.
 - (2) The Chair asked for discussion.
 - (a) Schlegel stated that per past discussions this language meets the goal of reducing costs to our citizens. This practice eliminates the "conditional use permit" process of holding an appeals Bd review. That more expensive process takes place only if the criteria outlined is not met and the Zoning Inspector does not issue the permit. The citizen then can request an Appeals Bd hearing.
 - (b) Commission members noted that the delineation between a "farm pond" and a pond was eliminated from the current language. All agreed there is no practical reason to maintain

a separate definition between a "farm pond" and a "pond".

- (c) Commission members were in agreement with the proposed changes as drafted for this section. They noted the safe guards, especially the continued required Soil and Water review and approval.

iii) Section 972 Temporary Manufactured Homes, Including Mobile Homes - presented to the Zoning Commission for review at the 3rd public hearing on proposed Zoning Plan changes - May 25, 2010 Commission session

(a) Schlegel presented the proposed Changes to Section 972

- (i) The use of a temporary manufactured home (including mobile homes) if planning to construct a permanent dwelling or to repair a dwelling damaged by disaster (emergency hardship): A Zoning Permit may be issued by the zoning inspector. All setbacks will be met as well as site approval by Defiance County Soil & Water.
- (b) The following criteria must be met for the issuance of a Zoning Permit for temporary mobile homes.
 - (i) Minimum floor area of one thousand (1000) square feet;
 - (ii) All setback requirements as standard in the zoning district are met;
 - (iii) All sanitary and sewer standards as required by the Health Department and the EPA are met;
 - (iv) Properly tied down and completed with mobile home skirting;
 - (v) The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
 - (vi) The sitting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed;
 - (vii) The sitting of the structure shall comply with all parking requirements in effect for the district for which it is proposed;
 - (viii) The site shall be served by utilities in such manner as required by this Resolution.
 - (ix) In the case of emergency hardship (repairing a damaged dwelling), the Zoning Inspector may issue a temporary use permit expiring in six (6) months with an approved extension of six months under extenuating circumstances that is approvable by the zoning inspector.
 - (x) See Section 1036: Foundation Requirements for Permanent Mobile Homes for related requirements.
 - (xi) See Section 1450: Requirements Concerning Permanent Mobile Homes for related requirements.

(2) The Chair asked for discussion

- (a) Schlegel noted to the commission that # (ix) covers emergency hardship; and
- (b) there is no current fee for a Temporary Use Permit? He asked if the Zoning Commission wished to create a fee.
 - (i) The Commission discussed the possibility of establishing a permit fee. Tom Mick opposed this fee stating that to require a citizen to pay a fee to acquire a permit for temporary emergency housing is just wrong. The citizen has just suffered a catastrophic loss and Red Cross, churches and others would be more than likely volunteering time and material to help out the disaster victims and Def Twp would be charging the disaster victim a fee to set up temporary housing.
 - (ii) The Commission considered this argument and agreed that it would not be proper to charge a fee under these circumstances.
- (c) Commission members were in agreement with the proposed changes as presented for this section.

iv) Section 1018; Setbacks for Accessory Structures and Temporary Buildings - presented to the Zoning Commission for review at the 3rd public hearing on proposed Zoning Plan changes - May 25, 2010 Commission session

(a) Schlegel presented the following proposed changes to Section 1018:

- (i) Accessory structures including accessory buildings not permanently affixed to the ground shall be set back from the lot line an adequate distance to allow access for maintenance such as mowing and painting. Accessory structures are permitted in front of a primary structure if the accessory structure does not obstruct the line of sight of adjoining principal structures and or sits back off the road a considerable distance so as not to offend any neighboring property owner.

(1) The Chair asked for discussion.

- (a) The Commission agreed with the need to provide consistency for Twp residents. This has not always been the case. There have been many farm constructions of out buildings that are in front of the primary residence. Some have been rebuilt on same location and some have had to have Appeals Bd hearings to rebuild and when the Appeals Bd enforced set back residents noted a perceived difference in enforcement of zoning rules. The Commission believes this proposed change would help with enforcement consistency.

It was moved by Wilde to approve the proposed text changes to the Twp Zoning Codes as presented in this the 3rd public hearing on this matter.

Seconded by Bok

The vote being 5 Yea(s) 0 Nea(s) the revised text was adopted.

- d) The secretary noted that he will now submit the edited approved text changes to the prosecutor's office for review. After receiving comments from the Prosecutor – if no further issues are noted – the Zoning Commission's adoptions will then sent to the Trustees for adoption or denial at a regular Twp Trustee session. Once approved by the Trustees the Twp Zoning Code will be edited to reflect the adopted changes.
- e) The Chair asks if there are any other zoning rules or amendments to be proposed for review by the Commission.
 - i) There were none.

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

Moved by: Schaffer

Seconded by; Wagner

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