

Held at 7:30 p.m. at the Waterville Township Hall on June 2, 2008

ROLL CALL:

Chairman Paul Accettola - Present - Arrived late
Vice-Chairman James E. Fischer - Present
Member Judy Overmyer - Present
Member Robert A. Hertzfeld - Present
Member Stephen Tosh - Absent

OFFICIALS:

Fiscal Officer Kay Ann Robertson - Present

GUESTS:

Thomas Pfaff, 7025 North River Road, Waterville, Ohio
Vivian Pfaff, 7025 North River Road, Waterville, Ohio
Joel LeCaptain, 7035 North River Road, Waterville, Ohio

MINUTES:

The minutes for the March 3, 2008, public hearing of the Waterville Township Board of Zoning Appeals had been prepared by Fiscal Officer Kay Ann Robertson and sent to each board member prior to the meeting:

James E. Fischer made a motion to dispense with the reading of the minutes of the March 3, 2008, public hearing and to approve the minutes with no additions or corrections. Seconded by Robert A. Hertzfeld. Motion Carried.

PUBLIC HEARING - THOMAS PFAFF SIDE YARD SETBACK:

Vice-Chairman James E. Fischer opened the public hearing (Chairman Paul Accettola took over when he arrived) which had been advertised for this date and time. The purpose of the hearing was to consider a request by Thomas and Vivian Pfaff to build a 22' by 34' garage within five (5) feet of the side yard lot line in violation of the Waterville Township Zoning Resolution Section 9.2.2: Accessory Building Side Yard Setback - ten (10) feet. Letters were received from Joel LeCaptain, 7035 North River Road; F. Holmes, 7034 North River Road; John H. Koch, 7019 North River Road; stating they had no objections to the side yard line being five (5) feet at Mr. Pfaff's address at 7025 North River Road.

Mr. Pfaff's property has some unique characteristics. The first being the 55' no build on the north side of his property which would rule out putting the garage on the north side of his house. Secondly, the Ohio Department of Transportation has a sewer easement going through and to the south on his property which would only let him put the garage to the south and in back of his present one and one-half attached garage. The area behind his house is limited for the construction of the garage due to the leach field and yard dropping off sharply into the floodplain of the Maumee River.

In response to the inquiry by Vice-Chairman James Fischer concerning the 55' no build area on the north side of his property, Mr. Pfaff explained that his property and John Koch's property had been split from a larger parcel. There was a separate agreement that either party could purchase the others 55 feet if they both agreed. Mr. Pfaff tried to purchase Mr. Koch's 55 feet but he was not willing to sell.

Chairman Paul Accettola stated that the board has to be careful as to judging the merits of each request. Financial hardship while important cannot be a major consideration. He was clear that the Pfaff's had few options.

Robert A. Hertzfeld made a motion to grant the request by Tom and Vivian Pfaff, 7025 North River Road, Waterville, Ohio, to build their 22' by 34' garage within five (5) feet of their side yard lot line. Seconded by Judy Overmyer.

Paul Accettola, Judy Overmyer, Robert Hertzfeld, Aye. James Fischer, No.

There being no further business, James E. Fischer made a motion to adjourn. Seconded by Robert A. Hertzfeld.

Adjourned at 8:16 p.m.

Motion Carried.

Attest: Kay Ann Robertson

Board: Joel LeCaptain, James Fischer, Judy Overmyer, Robert Hertzfeld