

A legally advertised meeting was called to order in the Denton Township Hall by Chairman Lloyd Bonzo at 9:30 a.m.

Members Present: Lloyd Bonzo, Lynn Baese, Kent Straub and Gail Kukuk.

Members Absent: James Braid.

Others Present: Zoning Administrator Rachael Barnes, Robert & Jennifer Wall, Norman Honke, Pat Partyka, Don Wicks, Dave VanLoon, Secretary Theresa Wagner.

Motion by Baese supported by Kukuk to approve the minutes of the last Zoning Board of Appeals meeting held November 9, 2018.

Ayes 4 Nays 0 Absent 1 Motion Carried.

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**Case #2019-001ZBA.**

Chairperson Bonzo introduced Case #2019-001ZBA, property number: 72-003-213-101-0000, 115 Tuscaroras Trail, requesting a 4 ft. north side lot line variance.

Zoning Administrator Barnes stated the zoning ordinance allows for an attached garage and up to 2 accessory buildings. Currently the home has an attached two car garage and no accessory buildings. The location they have chosen for placing the shed is their only option on the property. They are requesting a 4 ft. north side lot line variance. Zoning Administrator Barnes stated her and Supervisor Spaulding visited the property and in this particular case there are extenuating circumstances. She stated that they showed a practical difficulty.

Robert Wall stated they would like to build a 10'x 12' shed to give them space to park their Razor side-by-side vehicle, as well as other items. They only have an attached two car garage and with their health, need to park their two vehicles in the garage, leaving no space for anything else. They plan to place the shed as far back as they can from the road, and all the neighbors surrounding them are in favor of the shed and its location, including the neighbor that will be bordering the side with the shed.

***Meeting opened to the floor at 9:34am.***

Neighbors Norman Honke at 111 Tuscaroras, Pat Partyka at 112 Tuscaroras, Don Wicks at 112 Tuscaroras and Dave VanLoon at 110 Tuscaroras, all stated they are in favor of the shed and have no objection to the variance request.

There was no correspondence or phone calls on this case.

***Meeting closed to the floor at 9:42am.***

Member Kukuk asked if the variance could be less, moving the shed more toward the home to make it more compliant. Mr. Wall explained if it were closer to the home, they could not place a ladder safely to clean gutters, it would make it more difficult for the fire department to get through if ever there were the need, etc. Esthetically it would look better away from the home as well.

Zoning Administrator Barnes also added if the shed was attached to the home, it would then have to meet the required 7.5' setback required from the lot line, still requiring an even larger variance. There is absolutely nowhere else to place this shed.

Member Straub stated he recognizes it is very tight in that area, but this Board has to follow the rules of the zoning ordinance and he feels it would set a precedence by allowing this variance.

Chairman Bonzo stated each case that comes before this Board is considered on a "case-by-case" basis, therefore it would not be setting a precedence.

Member Baese stated he understands that all cases are decided on a "case-by-case" basis but he feels in this case they are requesting too large of a variance for something that is of their own creation.

Zoning Administrator Barnes reiterated that the proposed location of the shed is the only place to put one, and they could not utilize their property for a shed or any accessory building at all without a variance. Discussion followed. Chairman Bonzo stated a variance runs with the property. He does not feel he can grant a variance based on a condition that they themselves are causing.

After discussion,

**Motion by Kukuk to approve a north side lot line variance of 4 ft. to allow a 10'x 12' shed as requested.  
Motion failed for lack of a second.**

**Motion by Baese supported by Straub to deny the request for a 4 ft. north side lot line variance to build a shed two feet from the north side property line located at 115 Tuscaroras Trail (72-003-213-101-0000).**

**Baese: Aye Reason: He feels 4 ft. variance is too much and the lot does not have enough usable space to allow it.**

**Straub: Aye Reason: He feels the lot is too small to accommodate a shed and stay within the guidelines.**

**Kukuk: Nay Reason: She feels it is a hardship because there is absolutely no where else to place a shed on this property without a variance and otherwise they cannot utilize the property to have an accessory building of any kind.**

**Bonzo: Aye Reason: He feels it is an excessive request for a variance and too much against the ordinance.**

**Braid: Absent**

**Motion carried.**

Chairman Bonzo informed Robert and Jennifer Walls that they have 21 days from the approval date of these minutes to appeal this decision to Circuit Court if they wish to do so.

There being no further business,

**All were in favor to adjourn the regularly scheduled Zoning Board of Appeals Meeting July 12, 2019 at 10:02am.**

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Respectfully submitted,

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Theresa M. Wagner, Secretary