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DANBURY TOWNSHIP ZONING DEPARTMENT

2011 ANNUAL REPORT

Board of Zoning Appeals

Carol Robertson
John William Smith
Keith Addy
Loretta Grentzer
Richard Kracer
Brad Bauer
Ron Hart

Township Trustees

Dianne Rozak
Charles Scott
David Hirt

Zoning Commission

Tim Sypherd
Janice Leist
Kathy Radabaugh
Jim Jacobs
Jodi Kopanski
Ted Serraino
Vito Kaminskaskas

About the Zoning Department

The purpose of zoning according to the Danbury Township Zoning Resolution is to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements. The Zoning Department provides short- and long-range planning services for the Township as well as zoning, permitting and enforcement. The Zoning Department also works in conjunction with businesses seeking to locate or expand in the Township. We work closely with both commercial and residential developers, with business owners and property owners to design projects that will add to the Township's economic, environmental, and social well-being.

Goals for 2012

- Improve file organization and tracking.
- Improve PR/information-sharing with the public.
- Improve interdepartmental relations with the Service & Police Departments and external relations with Ottawa County Regional Planning Department, Building Department and other departments that have responsibility in development standards in the Township.
- Outreach to local businesses.
 - Establish what their primary needs and priorities are, incorporate an action plan or program to assist.
 - Inventory available and under-utilized commercial and industrial sites and assist in marketing.
 - Attend OCIC meetings and other seminars or meetings relating to Economic Development within the County.
- Establish a violation policy and procedure.
- Continue to improve technology use:
 - Add features to Township's website to facilitate public information and interaction.
 - Incorporate GIS (Geographic Information System) into the department to better study various land and development issues.
- Develop the BZA & ZC to be the model Board & Commission in the County.
 - Streamline meeting procedures to be more efficient and to ensure all legal steps are being taken.
 - Provide training options.
 - Involve Board & Commission members on goals and projects they would like to see happen.

2011 Department Accomplishments

- Modification to the Residential ADA Accommodation policy to be more inclusive.
- Swearing-in of Board & Commission members, establishing by-laws, providing training options.
- Networking with local officials that may be able to assist more in the future for the Development Coordinator work.
- Online network back-up system for zoning's digital files.
- Land Use Plan Update

Permits

Attached is a Comparison Report of the permits issued since 2000. The 2011 year resulted in 9% fewer permits than 2010, including a decrease of \$4,220 in fees collected. The positive is that while the year was slower than 2010, it was better than the lowest point in 2009. There were also more new dwelling unit permits issued than in 2010 and more accessory building improvements made to properties. While the numbers are lower than years past, there were still a significant number of permits issued for additions and other improvements such as foundation replacements and fences. The trend throughout Ohio is that property owners are reinvesting and improving their properties.

Board and Commission Activities

The Zoning Department staffs the Board of Zoning Appeals and Zoning Commission. These boards, made up of citizen volunteers appointed by the Board of Trustees, to review and make determinations or recommendations on planning and zoning matters assigned to them. The Board of Zoning Appeals is a quasi-judicial body that hears requests for variances to the strict application of the Zoning Resolution. The BZA also hears requests for Area and Use Variances, Appeals of the Zoning Inspector's Decisions, Conditional Uses, and Nonconforming Uses. The Zoning Commission provides formal recommendations to the Board of Trustees on amendments to the Zoning Resolution text and the zoning map. These citizen volunteers provide a valuable service to the Township by sharing their expertise and perspective.

The **Board of Zoning Appeals** heard 15 cases in 2011, as follows:

Case# 2011-002	7432 E. Harbor Rd.	Karen Dominguez	Conditional Use	Granted
Case# 2011-003	9605 E. Bayshore Rd.	Ryan Wadsworth	Conditional Use	Granted w/ Cond.
Case# 2011-020	361 N. Erie Beach Rd.	Robert Phifer	Area Variance	Granted
Case# 2011-022	Corner of N. Buck & SR163	Dan Haseley	Area Variance	Denied
Case# 2011-023	7072 E. Bayshore Rd.	James Kallas	Area Variance	Denied
Case# 2011-025	301 N. Meadowbrook	Robert Hendricks	Area Variance	Granted
Case# 2011-047	544 N. Erie Beach Rd.	Alan Strickling	Area Variance	Granted
Case# 2011-053	293 Sackett	Ronald Oprie	Area Variance	Granted
Case# 2011-072	514 N. Idlewild Dr.	Andrew Planet	Area Variance	Granted
Case# 2011-074	2471 Port Pleasant	Francisco Orozco	Area Variance	Granted
Case# 2011-101	2119 White Cap Ln.	Burl Anderson	Area Variance	Denied
Case# 2011-120	6965 E. Harbor Rd.	Jack Tibbles	Area Variance	Granted
Case# 2011-122	315 N. Channel Grove	Joseph Armario	Area Variance	Granted
Case# 2011-133	518 N. Erie Beach Rd.	Dearth Contracting	Area Variance	Granted w/ Cond.
Case# 2011-139	8990 E. Hartshorn Rd.	NorthCoast Dev.	Use Variance	Granted w/ Cond

The **Zoning Commission** heard 2 cases in 2011, as follows:

Case# 2011-041	Text Amendments to uses in C-1, C-2, R-C, M-1 & M-2 Districts and Definitions	Approval - ZC Approval w/ Modification – Trustees Effective 6.25.11
Case# 2011-147	Text Amendments to Signs, Fences, Definitions, Accessory Bldgs, Transient Vendors and creating Lakeside Business Overlay District	Approval w/ Modification – ZC January 11, 2012 – Trustees

This past year, four members of the Zoning Commission, Tom Steinbrick, Patricia Munn, John Englebeck, and Lloyd Dayton resigned. Their service to this Commission and to the Township is greatly appreciated and we look forward to working with the new members.

Litigation

The Ottawa County Common Pleas Court, Judge Winters, rendered a Decision in October 2011 to an appeal filed with the Court in April 2010 regarding Charles J. Walters, et al vs. Danbury Township Board of Zoning Appeals. Mr. Walters was denied an area variance in 2010 at 2416 S. Linda Drive for an accessory structure in the front yard; Mr. Walters subsequently appealed to the Courts. Judge Winters overturned the BZA's decision stating that the property owners predicament could not be obviated by any other means other than a variance, variance was not substantial because the proposed location of the building was in line with other side yards in the area, this was a replacement structure and justice would be done by granting the variance. Furthermore the Judge stated that the BZA's decision was unsupported by a preponderance of substantial, reliable and probative evidence.

Office Activity

A primary activity of the Zoning staff is responding to inquiries from residents, developers, appraisers, contractors, etc. Inspections are performed to verify or identify violations as well as to verify that projects are completed in compliance with approved plans. In addition, the department staff greets visitors seeking information regarding other township services and directs them to the appropriate official or department.

During 2011 the Department responded to 3162 calls, e-mails and in-person inquiries and went on 216 site visits. Here is the breakdown:

Calls/ Emails

- Permit and application questions 698
- Zoning classification requests 102
- BZA 264
- Zoning Commission 231
- Other zoning related 1217
- Non-zoning related 542
- Complaints 13
- Public Records Requests 4
- Business Coordinator 3

Office Visits

- Permit and application questions 31
- Zoning related 23
- Non-zoning related 22
- Complaints 2
- BZA 1
- Zoning Commission 7
- Business Coordinator 2

Site Visits

- Zoning violations 38
- Zoning Commission cases 2
- BZA cases 31
- Zoning inspections 145

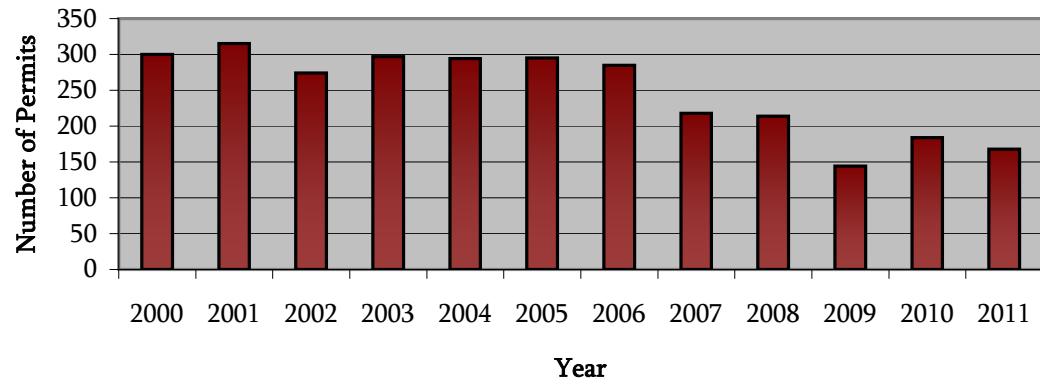
2011 Monthly Permit Activity Danbury Township Zoning

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling		4	3	1		3	2	1	4	2	1		21
Condominium Building													0
Addition/Porch/Deck	1		12	5	6	5	4	6	2	1	5	1	48
Accessory Bldg./Dock/Pool			2	5	7	4	4	2	3	2	2	3	34
Fence			1	4	3	3	1	5			1		18
Commercial Bldg								1		1		1	3
Commercial Addn													0
Sign		1	1			2					2		6
Change of Use						1		1				1	3
Permit Rejected/Voiced			4	2	1		1	2	1		1	1	13
Zoning Amendment				1							1		2
Appeal													0
Conditional Use	2												2
Cond. Use Phase Approval													0
Variance			4	2	2		1	2	2				13
Special Exception													0
Other Misc.			1		1						1	2	5
Permits Processed	3	5	28	20	20	18	13	20	12	6	14	9	168
Zoning Books Sold				1									1
Fees Collected	\$425.00	\$329.04	\$1,588.28	\$823.60	\$822.48	\$846.76	\$586.72	\$1,186.35	\$916.72	\$520.17	\$348.76	\$696.62	\$9,090.50

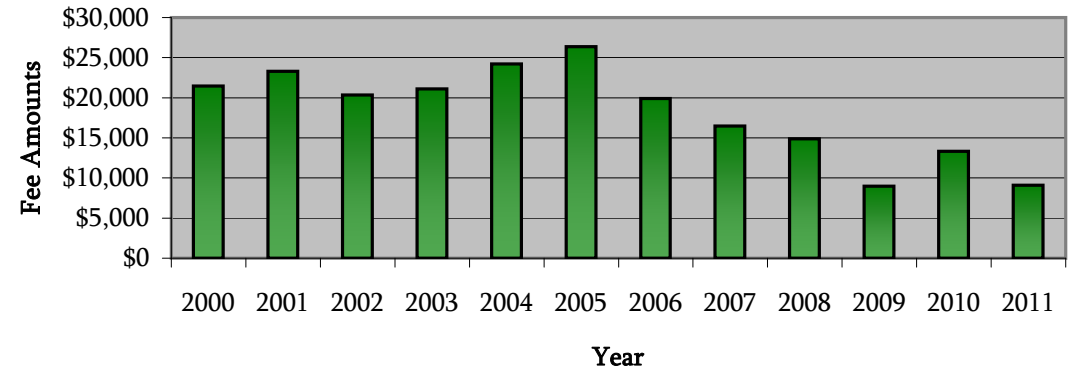
2000 - 2011 Permit Comparison Report Danbury Township Zoning

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	TOTALS
New Dwelling	79	79	62	55	59	64	58	29	27	15	20	21	568
Condominium Building	3	3	1	4	1	2	2	2	6				24
Addition/Porch/Deck	86	68	79	89	93	73	100	61	61	53	56	48	867
Accessory Bldg./Dock/Pool	47	67	53	60	54	49	44	32	36	29	30	34	535
Fence	27	33	23	22	21	38	22	30	24	14	23	18	295
Commercial Bldg	10	17	14	12	12	13	10	9	8	3	9	3	120
Commercial Addn	3	2	2	1	4	4	11	1	2		2		32
Sign	8	7	9	12	11	11	6	13	6	2	6	6	97
Change of Use	4	3	2	8		3	3	2	3	1	1	3	33
Permit Rejected/Voided	1	7	3	2	2	3	2	5	19	10	15	13	82
Zoning Amendment	9	6	4	10	8	7	4	8	2	5	4	2	69
Appeal		2	1		1	2							6
Conditional Use	4	4	6	7	7	8	3	8	3	2	2	2	56
Cond. Use Phase Approval		1					2	1					4
Variance	19	15	15	15	21	18	18	17	17	9	16	13	193
Special Exception		1								1			2
Other Misc.												5	5
Permits Processed	300	315	274	297	294	295	285	218	214	144	184	168	2988
Zoning Books Sold	19	19	12	14	20	11	4	4	5	2	1	1	74
Fees Collected	\$21,480.00	\$23,305.50	\$20,364.74	\$21,089.71	\$24,228.54	\$26,369.24	\$19,898.80	\$16,462.61	\$14,883.14	\$8,986.03	\$13,310.76	\$9,090.50	\$219,469.57

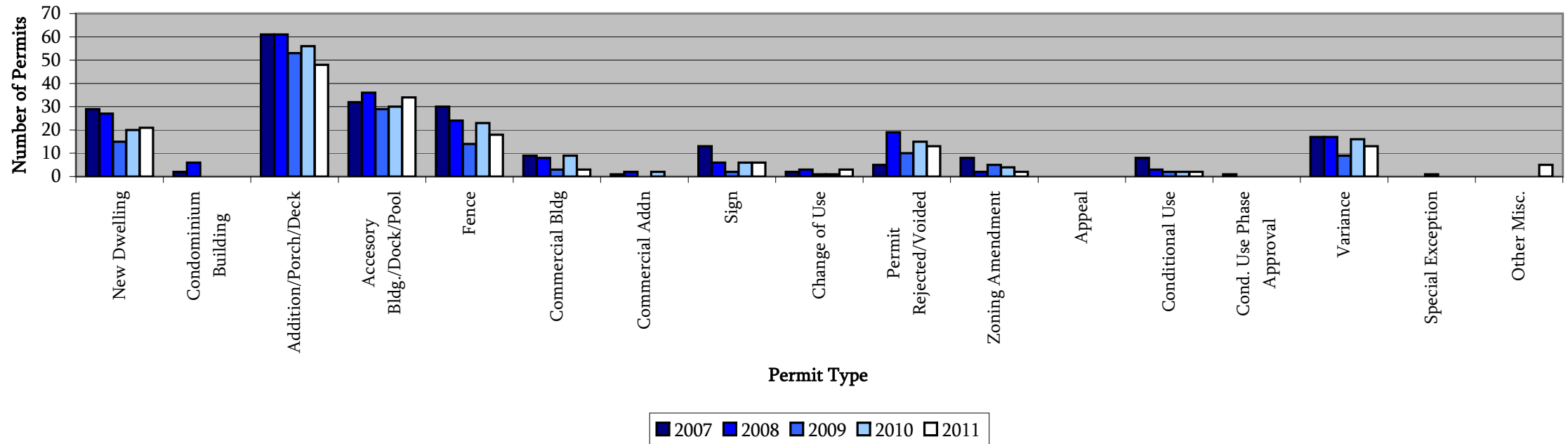
2000-2011 Zoning Permit Comparison



2000-2011 Zoning Fee Comparison



5 yr. Permit Type Comparison



2011 Office Activity Report Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
Calls & Emails													
Permit & Application Questions	31	24	120	85	88	82	45	60	90	48	13	12	698
Zoning Classifications	7	8	8	6	5	8	11	8	15	8	6	12	102
BZA Inquiries	44	14	25	38	23	16	19	27	35	17	1	5	264
ZC Inquiries	13	5	8	20	21	16	37	30	25	29	22	5	231
Other Zoning Related	101	66	159	175	149	158	136	168	37	15	18	35	1217
Non-Zoning Related	55	46	60	55	76	72	61	35	46	24	4	8	542
Complaints										12	1	0	13
Public Records Requests											2	2	4
Business Coordinator												3	3
	251	163	380	379	362	352	309	328	248	153	67	82	3074
Office Visits													
Permit & Application Questions											17	14	31
Zoning Related											11	12	23
Non-Zoning Related											2	20	22
Complaints											1	1	2
BZA Inquiries											0	1	1
ZC Inquiries											1	6	7
Business Coordinator												2	2
	0	0	0	0	0	0	0	0	0	0	32	56	88
Site Visits													
Zoning Violations	2	4	4	8	3	6	4	2	4	0	1	0	38
ZC Cases	0	0	0	0	0	0	0	0	0	2	0	0	2
BZA Cases	2	3	3	6	3	2	2	3	4	3	0	0	31
Zoning Inspections	3	2	8	39	17	22	17	7	0	0	10	20	145
	7	9	15	53	23	30	23	12	8	5	11	20	216

TOTAL: 3378