



Kathryn A. Dale, AICP
Zoning Inspector

Deb Burley-Biro
Zoning Inspector Assistant

5972 E. Port Clinton Road • Marblehead, Ohio 43440
☎: (419) 734-6120 • F:(419) 734-3137 • 🌐: www.danburytownship.com

DANBURY TOWNSHIP ZONING DEPARTMENT

2012 ANNUAL REPORT (January 1 – December 31)

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
Kathy Radabaugh
Jim Jacobs
Jodi Kopanski
Ted Serraino
Vito Kaminskis
Alan Sennich

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 & Accomplishments for 2012

- **Improve file organization and tracking.**
 - ✓ Go Daddy online back-up was established to ensure there is no loss of data and files from the zoning computer systems.
 - ✓ SmartSearch became activated and used to its full capacity to track 2012 permits and most of 2011 permits. BZA and ZC cases for the year have also been uploaded into the tracking program as well as complaints received and inspections conducted allowing us more ease to see what has been resolved and what cases may still be open.
 - ✓ Summary sheets or reports that were started were combined, completed where needed and made searchable. They were also compiled in binders (centrally located) identifying what each contains.
- **Improve PR/information-sharing with the public.**
 - ✓ Due to the record organization and with the creation of the new Township website, documents and public records related to zoning cases and permits are easily accessible for the public to view in-house and from the comfort of their own computers.
 - ✓ The office offers an open door policy. This includes providing answers in a very timely manner. Most of the permits and questions are handled over the counter, over the phone or in-person in the same day. Phone calls and emails are returned promptly even if an answer is not immediate; the recipient knows we are working on getting them a response and their inquiry will not be ignored.
 - ✓ In unique situations, and where possible, the person is provided options and suggestions on how to be able to move forward in some capacity to accomplish their individual goal.
- **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.**
 - ✓ At the beginning of 2012 monthly staff meetings were being held, including an elected official being present. Due to the busy construction season, scheduling conflicts prevented these meetings to continue, but a new communication vehicle had been formed between departments all department heads and staff are able to freely communicate with one another on any topic and work together on various issues.
 - ✓ The Zoning Department has established a very good working relationship and steady communication with the County Building Department, Prosecutor's Office and Auditor's office.
 - ✓ Communications between Lakeside and the Township have also improved with coordinating construction projects for approvals, process and inspections.
- **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.*
 - ✓ Staff met with the OCIC Director on numerous occasions at the beginning of the year and attended frequently Marblehead Chamber Events.
 - ✓ Staff also attended Grant Writing Workshops and conducted research for the Marblehead Merchants and some other business owners inquiring about grant possibilities.

- **Establish a violation policy and procedure.**
 - ✓ The Junk Vehicle Resolution was revamped to follow the legal process established in the Ohio Revised Code. The Nuisance Abatement process was also refined to ensure compliance with state law requirements. The Abandoned Building process was clarified and continued relations are being established with the County to make this process more effective for the Township.
 - ✓ Zoning Complaints vs. Nuisance Complaint procedures are better defined. The nuisance complaints are those that fall under the ORC and require action by the Trustees, while the zoning complaints are handled by the department only. An official policy manual has not yet been compiled, but the practice established, depending on the circumstances has been to have a 3-strikes process which includes 1.) Warning, 2.) Notice to Comply and 3.) Citation. There is a willingness to work with a property owner within reason with documented photos and timelines to be met.
- **Continue to improve technology use:**
 - *Add features to Township's website to facilitate public information and interaction.*
 - ✓ The entire Township Website has been redone and self-managed so Township Staff in all departments can post pertinent information with ease. Documents and public records related to zoning cases and permits are easily accessible for the public to view in-house and from the comfort of their own computers.
 - *Incorporate GIS (Geographic Information System) into the department to better study various land and development issues.*
 - ✓ The Department uses this program daily. It allows us to provide top notch customer service to property owners, realtors, developers and anyone with property interests in the Township. The program is frequently used as a basis for site plans on new construction and helps save the average property owner the expense of surveys. It also allows staff to effectively communicate to the customer what is or is not allowed based on the existing conditions of the property, which the owner is typically more familiar about their own property, but this program allows staff to be on the "same page" as the owner.
 - ✓ The original 1975 zoning map has been digitized and preserved electronically, protecting the paper version from further damage.
 - ✓ Custom maps are able to be made. Various maps were created for Safe Routes to School, the Township Police Department's Neighborhood Block Watch, legal notifications for the BZA & ZC hearings, maps relating to zoning verification requests for appraisers.
- **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.*
 - ✓ The first step to accomplish this was to swear the board members in with an Oath of Office, establishing the importance of their appointments and decisions. Secondly, by-laws were adopted and accepted by the Boards outlining their duties and responsibilities as members as well as how meeting procedures are conducted.
 - ✓ As a result of establishing what each of the Boards responsibilities are, conflicts and insufficiencies of the zoning resolution and State statute were resolved to coincide to provide better decision making by the Boards by establishing Decision Standards that were either non-existent or in conflict with what court case law had established.
 - ✓ Additionally, due to the technical nature of the BZA, a standard outline is provided for each meeting to ensure that every hearing is conducted the same and fairly. This outline also ensures that no steps are missed, such as opening and closing the hearing, motions are made and seconded and most importantly that the motions are made in accordance with the proper decision standards. This outline was highly recommended by the County Prosecutor to be used by all Townships and Villages on how to properly conduct a BZA meeting during his training session held in January 2012.
 - *Provide training options.*
 - ✓ A General Training Session was held in January 18, 2012 by Ottawa County Prosecutor Mark Mulligan, in which 35 attendees from various County jurisdictions were in attendance, including all of our own BZA & ZC members regarding the Open Meeting Laws (Ohio Sunshine), Public Records and Robert's Rules of Order.
 - ✓ On April 18, 2012 The Board of Zoning Appeals was provided a Board specific training seminar by Ottawa County Prosecutor Mark Mulligan on cross-examination.

- ✓ In May, following the Zoning Commission's establishment of goals and priorities, Wendy Moeller, AICP of Compass Pointe Planning provided a 2-hour presentation/ training session about sign laws and trends in Ohio. It was a very informative and beneficial presentation that has guided the Board on proposed sign language amendments they are currently working on.
- *Involve Board & Commission members on goals and projects they would like to see happen.*
 - ✓ The Zoning Commission held a goal setting session February 1, 2012 outlining immediate, short-term and long-term issues that need to be resolved within the zoning resolution, enforcement issues and planning and visioning studies that should be conducted. These goals were shared with the Board of Trustees during a worksession on February 13, 2012. The outline of these Goals & Priorities is attached herein as Exhibit "A".

Goals for 2013

- Improve file organization and tracking.
 - Continue to scan and electronically convert public records and case files.
 - Reconfigure the filing system in the office from "Applicant Name" sorting to sorting by "Address" or "Case Number"
- Improve PR/information-sharing with the public.
 - This is a continued goal with room for improvement always.
- 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.
 - This is a continued goal with room for improvement always.
 - Focus will be given to the Ottawa County Building Department for permitting process, inspection follow-up and abandoned building procedures.
 - Focus will also be given to the Ottawa County Regional Planning Commission's new director and subdivision processes.
- 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.
 - We were lacking on this goal from 2012 due to zoning deficiencies that needed more immediate attention. This will be one of the top priority goals for 2013.
- Establish a violation policy and procedure.
 - A formal policy will be established on how to handle Zoning Complaints.
- Continue to improve technology use:
 - Incorporate GIS (Geographic Information System) into the department to better study various land and development issues.
 - Some maps that we would like to prepare are a(n) Annexation Map, Subdivision Map, Township Property Ownership Map, Storage Inventory and Sign Inventory.

Litigation

In May 2012 the Township filed a Complaint with the Ottawa County Common Pleas Court vs. Terry M. Overmyer (Case# 12CV257H) for the construction of a deck without a permit and after the BZA refused a variance request for the deck expansion. Depositions were held at the end of October 2012. The Townships legal counsel has been requested to move forward with the charges as a result of the testimony provided in the depositions.

Litigation was filed against the Township as a result of a violation letters sent for illegal rentals, three which property owners subsequently appealed to the Board of Zoning Appeals. The Board upheld the Zoning Inspector's Decision to issue the violation letters. Two of the appellants then filed appeals with the Ottawa County Common Pleas Court on October 3, 2012 Case# 12CV403F Patricia & Thomas Neurohr and Case# 12CV404F Villa Pescatoris vs. Danbury Township Board of Zoning Appeals. The Court Schedule shows these cases going into May 2013.

Exhibit A. Zoning Commission 2012 Goals

1. Immediate Goals

Accomplished

a. Special Exceptions/ Uses.

- Language in zoning resolution refers to zoning boundary change being decided by the BZA and not the ZC.

Accomplished

b. Type A & Type B Daycares.

- Conflict in definition of schools, nursery schools & daycare vs. which districts they are permitted in.

Accomplished

c. Lack of Decision Standards for the Zoning Commission for text and map amendments

Accomplished

d. Include an extension clause for Conditional Uses.

- Current Language has maximum 1 year to complete or approval expires.
- Possibly consider different review process for Minor Modifications vs. Major Modifications to an approved plan.

e. Exception for stoops in setbacks

Accomplished

f. Building Height Definitions

- Measure from natural grade or elevated grade whichever is lower.

2. Short Term Goals

In Progress

a. Sign Regulations

- Nonconforming Sign language needed
- Lower sign heights in non-residential zoning district (currently equal to the height of the building)
- Wall signage
- Landscaping
- New technologies/ case law

3. Not Short Term, but not Long Term (2013, 2014, into 2015)

a. "M" zoning district setback requirements, especially if adjoining residential property.

b. Building heights in "C" & "M" districts

c. 20% Nonconforming addition restrictions. Restricts conforming uses in nonconforming structures.

d. Storage areas vs. Private storage of more than 3 recreational vehicles.

e. Should porches (open air – not enclosed) be included in the lot coverage calculations?

f. Lot coverages in general – are percentages too high and should it include decks, driveways, etc.?

g. Landscaping & buffering requirements for "C" and "M" zoning districts

h. Accessory Building Ratios based on lot size?

i. Nonconforming Section – need to address intentional demolition

j. Small vs. Large Contractor Warehousing

k. Outdoor Storage of Heavy Equipment

l. Commercial Setbacks – is 70' too much, encourages all parking out in front.

4. Longer Term Goals

a. Bike Paths/ Trail Plan

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 17 cases in 2012, as follows:

Case# 2012-036	276 Channel Grove Rd.	Danny Fields	Area Variance	Denied
Case# 2012-043	272 Perryview Ave.,	Villa Pescatoris	Appeal of Zoning Inspector Decision	Upheld
Case# 2012-052	2145 S. Walleye	Reginal Kence	Area Variance	Withdrawn
Case# 2012-054	541 Laurel Ave.	Kurt Geisheimer	Area Variance	Granted w/ Cond.
Case# 2012-056	1673 Harbor Crossing	Kenneth Stramaglio	Appeal of Zoning Inspector Decision	Upheld
Case# 2012-057	1689 Harbor Crossing	Thomas & Patricia Neurohr	Appeal of Zoning Inspector Decision	Upheld
Case# 2012-083	1711 Marblewood Dr.	James Frattaroli	Area Variance	Granted
Case# 2012-084	4940 Wohlers Dr.	Donald De Crane Sr.	Area Variance	Granted
Case# 2012-106	10240 E. Bayshore	Rita Stuckert	Area Variance	Granted
Case# 2012-111	2477 Oak Knoll Ave.	Donald Hanigosky	Area Variance	Granted w/ Cond.
Case# 2012-119	287 Channel Grove Rd.	Marjorie Nowak	Area Variance	Granted w/ Cond.
Case# 2012-121	2370 Commodore Ct.	Ronald Billings	Area Variance	Granted
Case# 2012-140	8635 E. Harbor Rd. & Straus Lane	Michael Brooks	Conditional Use/ Use Variance	Granted w/ Cond.
Case# 2012-157	5910 E. Port Clinton Eastern	Thomas Steinbrick	Appeal of Zoning Inspector Decision	Continued
Case# 2012-174	2088 S. Bayview Dr.	Kenneth Leser	Area Variance	Granted
Case# 2012-177	1953 & 1959 Ellsworth	Joseph Turinsky	Area Variance	Granted w/ Cond.
Case# 2012-178	5115 E. Bayshore (Willow Bend RV)	Shaina Frisch & Pete Scheid	Conditional Use & Area Variance	Continued

The **Zoning Commission** heard 3 cases in 2012, as follows:

Case# 2012-027: Text Amendments to Definitions: #26 Building Height, #36 Child Day Care Center, and #140 Schools, Adding Child Day Care Centers as Conditional Use in A, R-1, R-2, R-3 and R-C Districts and the Use Matrix. Section 3.5 General Regulations Applicable to all Districts, subsections 4 and 10. New Section 4.10 adding criteria regulations for Nursery School and Child Day Care Centers as a Conditional Use in residential zoning districts. Section 6.2 Conditional Use Certificate establishing the new language for approval period, expiration and revocation and for modifications to an approved Conditional Use. Section 6.3 Board of Zoning Appeals Review and Approval Procedures. Section 7.2 and 7.8 Appointment Terms for the Zoning Commission and Board of Zoning Appeals. Section 7.6 subsection 7 establishing review criteria for Text and Map Amendments. Section 7.8 eliminating Board of Zoning Appeals authority to hear Special Exceptions relating to zoning district boundary changes and establishing a time limitation for BZA approval. Section 7.8 and 7.9 adding language regarding Burden of Proof.

Approval w/ Modification – ZC
Approval – Trustees
Effective – 07.13.12

Case# 2012-058: Zoning Map Amendment for a change of zoning from R-1 to C-2 for three lots for the purpose of operating an electric motor repair and machine shop in an existing accessory structure on Lot #3 at 8685 East Harbor Road and at the corner of Strause Lane.
 Approval w/ Conditions – ZC
 Approval – Trustees
 Effective – 08.11.12

Case #2012-160: Text Amendments to Chapter 2 Definitions: #84 Hotel/Motel, and #112 Motel/Hotel.
 Approval – ZC
 Approval – Trustees
 Effective – 12.28.12

This past year, one member of the Zoning Commission, Vito Kaminskas, resigned. His service to this Commission and to the Township was greatly appreciated.

Permits

Attached is a 3 and 5-year Comparison Report of the permits. The 2012 year brought in the highest number of permits issued since 2008 and 35 more permits than 2011. Revenues from the permits this year were higher than 2011, but not as high as in years past with the construction boom. New single family starts were down slightly from 2011, but a two-family unit, categorized as commercial construction was also built, making the number of new units in the township equivalent to last years.

Permits over the years have traditionally spiked between March and June and then again in the month of August and October. This year was no exception.

The 2012 year resulted in a 21% increase in the total number of additions, porches, decks, accessory structures, pools and fence permits issued. The numbers cannot reflect the activity entirely; many of the permits issued were not minor improvements. Many of the additions and accessory structures were very substantial in size and included in many cases full remodeling projects as well. This trend continues to show that property owners are reinvesting and improving their properties.

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 2012 the Department responded to 3,097 calls, e-mails and in-person inquiries and went on 599 site visits. This averages to 258 calls or emails and 50 inspections per month. Here is the breakdown:

Calls/ Emails/ Letters

- Permit and application questions 347
- Zoning classification requests 105
- BZA 158
- Zoning Commission 95
- Other zoning related 876
- Non-zoning related 402
- Complaints/ Violations 24
- Complaint/ Violations Follow-up 181
- Public Records Requests 16
- Business Coordinator 31
- Zoning Verification Letter 10

Office Visits

• Permit and application questions	312
• Zoning related	157
• Non-zoning related	164
• Complaints/ Violations	16
• Complaint/ Violations Follow-up, site visits	47
• BZA	60
• Zoning Commission	32
• Business Coordinator	9
• Public Records	9

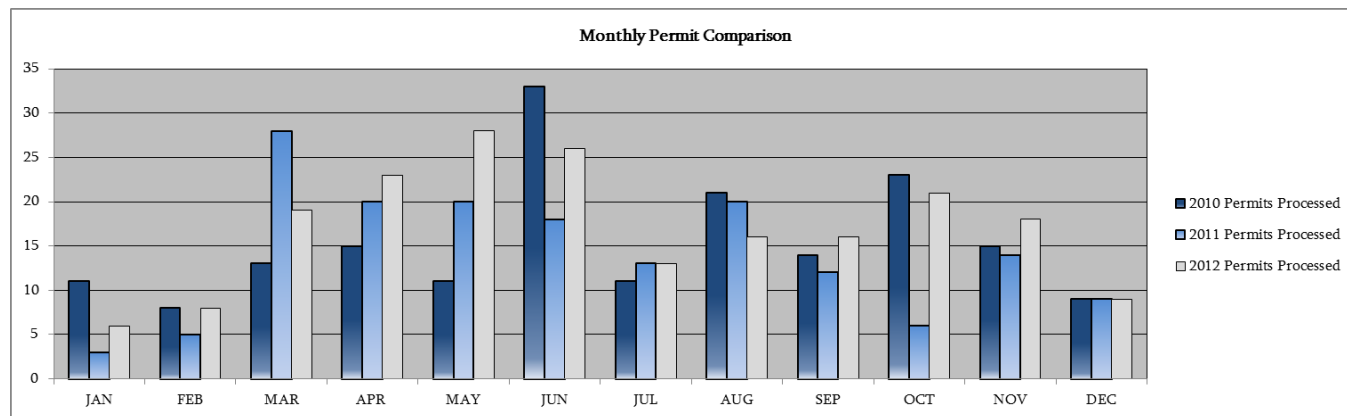
Site Visits

• Zoning violations	22
• Violation Letters Sent	24
• Zoning Commission cases	4
• BZA cases	17
• Zoning inspections	589
• Business Coordinator	10

2012 Annual Report Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling	1	1	1	1	4	4	1	1		1	1	1	17
Condominium Building													
Addition/Porch/Deck	2	3	9	3	6	6	4	5	7	1	7	4	57
Accessory Bldg./Dock/Pool	1	2	2	7	5	5	6	2	6	7	3		46
Fence	1		1	2	5	3		5	2	3		1	23
Commercial Bldg			1								1		2
Commercial Addn			1			1							2
Sign		2	2	1				1		1	1	2	10
Change of Use			1			1					2		4
Permit Rejected/Voided	1			3	3	3			1	2			13
Zoning Amendment			1		1					1			3
Appeal				3						1			4
Conditional Use											1	1	2
Cond. Use Phase Approval													
Variance				3	2	2	2	1		2			12
Special Exception													
Other Misc.					2	1		1		2	2		8
Permits Processed	6	8	19	23	28	26	13	16	16	21	18	9	203

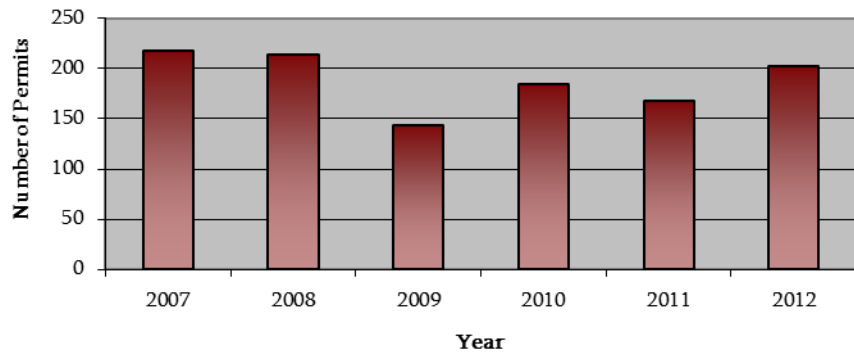
Zoning Books Sold			1								1		2
Fees Collected	\$ 221.12	\$ 400.76	\$ 2,032.40	\$ 1,679.40	\$ 1,453.36	\$ 1,484.48	\$ 800.28	\$ 566.24	\$ 366.20	\$ 1,116.20	\$ 1,169.36	\$ 725.04	\$ 12,014.84



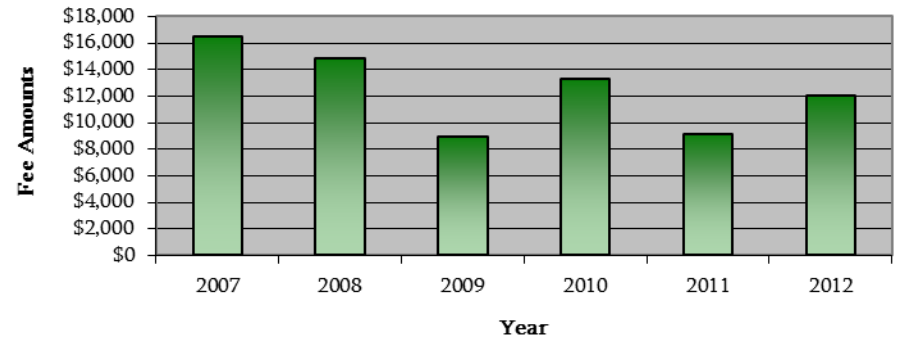
5 Year Permit Comparison Report Danbury Township Zoning

	2007	2008	2009	2010	2011	2012	TOTALS
New Dwelling	29	27	15	20	21	17	129
Condominium Building	2	6					8
Addition/Porch/Deck	61	61	53	56	48	57	336
Accessory Bldg./Dock/Pool	32	36	29	30	34	46	207
Fence	30	24	14	23	18	23	132
Commercial Bldg	9	8	3	9	3	2	34
Commercial Addn	1	2		2		2	7
Sign	13	6	2	6	6	10	43
Change of Use	2	3	1	1	3	4	14
Permit Rejected/Voiced	5	19	10	15	13	13	75
Zoning Amendment	8	2	5	4	2	3	24
Appeal						4	4
Conditional Use	8	3	2	2	2	2	19
Cond. Use Phase Approval	1						1
Variance	17	17	9	16	13	12	84
Special Exception			1				1
Other Misc.					5	8	13
Permits Processed	218	214	144	184	168	203	1131
Zoning Books Sold	4	5	2	1	1	2	6
Fees Collected	\$16,462.61	\$14,883.14	\$8,986.03	\$13,310.76	\$9,090.50	\$12,014.84	\$74,747.88

5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



5 yr. Permit Type Comparison

