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Zoning & Planning Administrator

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DANBURY TOWNSHIP ZONING DEPARTMENT

2015 ANNUAL REPORT (January 1 – December 31)

Board of Zoning Appeals

Carol Robertson
John William Smith
Loretta Grentzer
Richard Kracer
Brad Bauer
Sherry Roberts
Ron Hart
Dianne Blubaugh

Township Trustees

Dianne Rozak
Charles Scott
David Hirt

Zoning Commission

Jodi Kopanski
Kathy Radabaugh
Steve Pitzer
John Paul Dress
Paul Bauders

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 from 2015

Goal: Work on needed text amendments based on the goals of the Commission and resolve some unfinished details from prior amendments.

As we close out 2015, this goal is currently being worked on. One of the specific goals, which was completed in 2015, was to clarify the Nonconformities section regarding willful demolition. Changes coming for 2016 will include cleaning up the Use Matrix, expanding some of the permitted uses in each of the zoning districts, providing Use Standards in Chapter 4 for uses listed in various districts that indicated additional standards applied, but there was no language and modifying the Agricultural Zoning District classification to a Residential District in order to regulate Telecommunication Towers.

Goal: Finalize BZA files into electronic format and filing by address.

This year in April we switched from SmartSearch to ZonePro for the electronic tracking and formulation of permits. All the data that had been in SmartSearch was easily transferred into the new system. Many of the digital scans were able to be saved, but have to be re-linked to the appropriate properties. All permits back to 2010 are available digitally. All Zoning Commission case files from 1975 are also available digitally.

Nearly all of the hard copies of files that were filed by the property owner or applicant's last name have been converted to street address. There are still some BZA cases that need to have their labels switched over and will be finished in 2016.

Goal: Form Land Use Plan Committee and begin Plan update so as to be in the adoption phase by 2017.

In the Spring, staff met with Ted Leonard about the Land Use Plan. At that time, he was going to take the lead on some of the statistical analysis and projections. Unfortunately, day-to-day operations of the office interrupted the focus on this project during our busy season. We have received numerous calls and a few letters of interest for the "At-Large" community member positions for the Land Use Committee. In 2016, this is going to be the primary focus project.

Goal: Continue work on prior goals which include making an inventory available of under-utilized commercial and industrial sites and assist in marketing, creating specialized maps and updating the website listing on grant funds available.

There was one business who asked to list available tenant space on our website in 2015 and the space was occupied shortly after. We will do a better job in 2016 of reaching out to property owners with available space letting them know that service is available.

Goals for 2016

- Begin Land Use Plan update so as to be in the adoption phase by 2017.
- Finalize BZA files into electronic format and filing by address.
- Provide in-house BZA & ZC training.

Litigation

Bays Edge vs. Danbury Township Board of Zoning Appeals:

Decision: Upheld

On January 28, 2015 shortly after the 2014 Annual Report was released, the decision from the Ottawa County Court of Common Pleas came in upholding the Board of Zoning Appeals decision to grant the east side yard setback for Willow Bend's recreational camp expansion.

Thomas & Christine Steinbrick vs. Danbury Township BZA:

Decision: Affirmed by 6th District

Litigation was filed against the Township as a result of a violation letters sent for the operation of A+ Steiny's Taxi Service which property owners subsequently appealed to the Board of Zoning Appeals. The Board upheld the Zoning Inspector's Decision to issue the violation letters in January 2013. In February, Steinbrick's filed an Appeal of the Board's decision with the Ottawa County Court of Common Pleas (Case# 13CV060F). Oral Arguments were scheduled for February 13, 2014. Following the oral arguments, Judge Winters requested a transcript of the video tapes from the BZA meeting held in 1995 when the Storage Units were under consideration to see what the conditions were placed on that project. Supplemental exhibits were also filed with the Court by the Township, which the Court accepted and the transcripts were filed in June 2014. At that point the case was just awaiting the Judge's Decision. On September 2, 2014, Judge Winters filed a Decision and Judgment Entry, affirming the Board of Zoning Appeals decision. On September 30, 2014 Steinbrick's filed their notice to appeal the decision to the 6th District Court of Appeals. Mediation for the case was set to take place December 4, 2014, but cancelled at their request. Steinbrick's complaint brief was filed with the Appeal's Court on December 9, 2014 and the Township's response brief was submitted December 29, 2014. May 6, 2015 oral arguments before the 6th District Court of Appeals were held in Toledo. On June 19, 2015 23 received the 6th District Court of Appeals Decision affirming the BZA's and Court of Common Pleas Decisions regarding the case.

Board and Commission Activities

These boards are 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. Activity for this year was as follows:

The **Board of Zoning Appeals** took action on 18 cases (15% decrease from 2014) and granted 2 extensions as follows:

Case# 2015-007	7970 E. Harbor Road	Dollar General	Area Variance	Denied
Case# 2015-008	462 Cedar	Doug Bohl	Area Variance	Granted
Case# 2015-009	Harbor Bay Estates	Marblehead Estates	Modification	Granted w/ Cond.
Case# 2015-010	Lighthouse Bluffs	Kenneth Cleveland	Modification	Granted
Case# 2015-020	530 Jasmine	Gary & Patricia Cook	Area Variance	Granted
Case# 2015-031	2310 N. Buck	Michael Hoeflinger & Susan McKernan	Area Variance	Granted
Case# 2015-042	231 Poplar	Brenda Knipp & Kathy Rhodes	Area Variance	Granted
Case# 2015-043	7284 E. Bayshore	Daniel Kracjer	Modification	Granted w/ Cond.
Case# 2015-051	215 Cedar	Ron & Dianna Penick	Area Variance	Granted as Modified
Case# 2015-076	7364 Brooklyn	Jeffrey Smith	Area Variance	Granted
Case# 2015-084	1970 Robert	William Greer	Area Variance	Withdrawn
Case# 2015-087	9569 E. Bayshore	Susan Smith	Area Variance	Granted
Case# 2015-100	6584 E. Bayshore	Gary Kothe	Area Variance	Granted
Case# 2015-122	5424 E. Harbor	Knoll Crest Investors	Area Variance	Granted
Case# 2015-139	9491 E. Bayshore	Gary Mol	Area Variance	Granted w/ Cond.
Case# 2015-140	352 Meadowbrook	Ronald Stalle & Lucille Walker	Area Variance	Granted
Case# 2015-155	4394 State Road	Tito & Domineque Antonio-Lopez	Conditional Use	Granted w/Cond.
Case#2015-168	180 Channel Grove	Terry Rooney	Area Variance	Granted w/Cond.
Case#2014-063	1955 Lightner	Mikes Bayfront Camping	1 yr. Extension	Granted
Case#2012-178	5115 E. Bayshore	Willow Bend	1 yr. Extension	Granted

In March, Ron Hart resigned from his position as an Alternate, as did Dianne Blubaugh in June from an Alternate position as well. In April Sherry Roberts was appointed as Mr. Hart's replacement as an Alternate. Richard Kracer who has served on the Board of Zoning Appeals since 2005 was up for reappointment at the end of 2015. However, due to the Zoning Commission not having a full Commission or any alternates, Mr. Kracer was moved to the Zoning Commission to fulfill that board. Ms. Roberts was then moved from an Alternate to a Regular member with a term to expire 12/31/2020. Mr. Joseph Fetzer was also appointed as an Alternate to the Board of Zoning Appeals in December 2015 with a term to expire 12/31/2017.

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The Zoning Commission heard 4 cases in 2015 (5 in 2014), as follows:

- Case# 2015-005 Map Amendment from “A” Agricultural to “R-C” Recreational Commercial for 8.3574 acres of part Lot 12, Section 4 located at 6421 E. Bayshore Road
Behlke Properties, LTD, Mike Behlke/Owner & Applicant.
- Approval– ZC
Approval – Trustees
Resolution No. 07-2015
Effective – 05.09.2015
- Case# 2015-075 Text Amendment to Article 6 & 7 regarding Zoning Commission & Board of Zoning Appeals meetings and participation, correct erroneously quoted language from the Ohio Revised Code, and amend nonconformities language per advisement of legal counsel.
Danbury Township Trustees, Applicant per Resolution #15-2015.
- Approval – ZC
Approval – Trustees
Resolution No. 17-2015
Effective – 09.13.15
- Case# 2015-102 Text Amendment to Section 3.1.10.xvi to substitute “Business, Recreation” with “Business, Neighborhood” and Section 2.2 #131 expand the definition of “Recreational Facility”.
- Approval – ZC
Approval – Trustees
Resolution No. 22-2015
Effective – 10.10.2015
- Case# 2015-125 Map Amendment from “A” Agricultural to “C-2” General Commercial for 2.236 acres located at 8192 North Shore Blvd. and 2.023 acres located at 8218 North Shore Blvd.
- Approval – ZC
Approval – Trustees
Resolution No. 26-2015
Effective – 12.11.2015

In September both Paul Bauders (Regular Member) & Jen Porter (Alternate) resigned from the Zoning Commission. Richard Kracer who has served on the Board of Zoning Appeals since 2005 was up for reappointment at the end of 2015. Due to the Zoning Commission not having a full Commission or any alternates, Mr. Kracer was moved to the Zoning Commission to fulfill this board with a term to end 12/31/2018. Ken Balsom was also appointed in December 2015 as an Alternate to the Zoning Commission with a term to end 12/31/2017, however prior to the first meeting, he realized his work schedule would conflict and resigned from his appointment.

Permits

Attached is a 5-year Comparison Report of the permits. The 2015 year brought a 16% drop in the total number of permits processed from 2014 (35 fewer permits). On average, we issue 200 permits a year, which we are below, at 180 for the year. Despite the decrease in permits processed, we were still above average for new single-family home permits over the past 5 years at 26 new homes being built. More than half of the 26 new homes built (69%) were on vacant lots, the others were tear-down/rebuilds. Commercial construction activity compared to last year, remained near the same with 6 new commercial buildings and 1 commercial addition.

Revenues from the permits this year were 23% lower than 2014 but are still overall consistent with the past 6 years. 2014 appears to have been an exceptional year for the fees collected. Most permit fees are associated with the size of a project. Many of the projects that took place this year were not extremely large and having 35 fewer permits also contributes substantially to the decrease.

Permits over the years have traditionally began to spike between March and June and then again in the month of August and October. This year however, as well as last year, we stayed above average from April to September with May and August being the best months of the year. Unfortunately, February this year was the lowest in permit activity since 1981 due to heavy snowfall. Holding steady again were additions, porches, decks, accessory structures, pool and fencing permits issued.

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 2015 the Department responded to 7,043 calls, e-mails and in-person inquiries and went on 894 site visits. This averages to 587 calls or emails per month and 74.5 inspections per month. We had a 65% increase in phone volume from 2014 but a 6% drop in inspections. This was in part because we also had fewer permits issued this year compared to 2014.

The office daily logs were no longer created in 2015, so the data detail is simplified as follows:

- Outgoing 808
- Incoming 866
- Other 2754
- Emails 2615
- Violation Letters 50
- Inspections 894

We had one violation end up in Municipal Court this year and conducted 4 abatements/assessments. We declared a structure as a nuisance which was ultimately removed by the property owner. There are only 4 open complaints being carried-over into 2016 and that is primarily due to the properties being monitored as the owners are actively working on them or there is no further action to be taken until Spring arrives.

Other Office Updates:

Due to changes in the Ohio Revised Code in 2015 the Junk Vehicle and Fire Loss resolutions had to be updated to accommodate State statute requirements.

Staff also spoke to the Ohio Business College Real Estate class on two occasions, once in May and again in November regarding Zoning & Land Use Planning issues. Students were provided many examples of real-life experiences and how zoning relates to the buying and selling of property.

Staff also provided a presentation in July to the Lakeside Property Owners Association about the permitting procedures they need to follow in order to make improvements to their historical homes. An overview of the appeal process was also discussed since many times properties within Lakeside require some sort of variance.

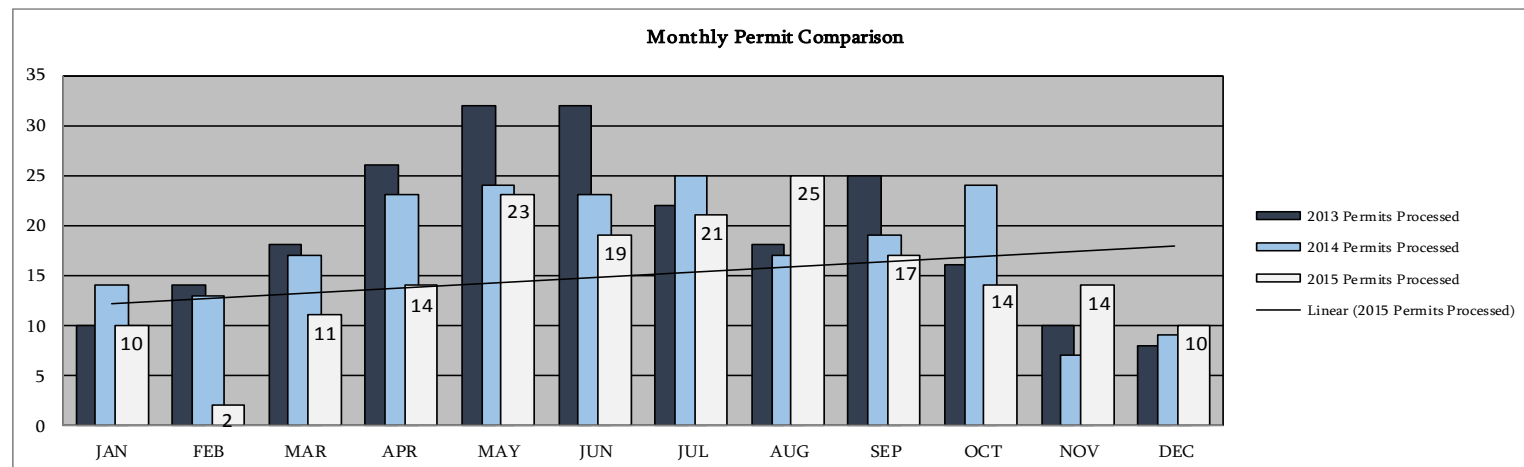
Continuing Education:

The Zoning Administrator completed her required 32 CEU credits for AICP certification and a new reporting period will begin for 2016-2017. She also completed the Ohio Township Associations Leadership Academy.

2015 Monthly Permit Activity Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling	1	1	2	2	2	2	5	4	2	2	2	1	26
Condominium Building													0
Addition/Porch/Deck	1		2	3	4	3	2	6	4	2	5	2	34
Accessory Bldg./Dock/Pool	1		1	2	6	4	5	2	4	5	1	2	33
Fence		1	1		1	2	2	7	2	1	1		18
Commercial Building					1	1	1	1		1	1		6
Commercial Addition				1									1
Sign			2	1	3	2			2	1		1	12
Change of Use													0
Permit Rejected/Voided			2	1	2	2	2	1	1		1	2	14
Zoning Amendment	1					1		2					4
Appeal													0
Conditional Use	2				1				1	1			5
Cond. Use Phase Approval													0
Variance	2		1	1	2	1	3	1	1		1		13
Special Exception													0
Other Misc. (i.e. Remodel/ Foundation)	2			3	1	1	1	1		1	2	2	14
2013 Permits Processed	10	2	11	14	23	19	21	25	17	14	14	10	180

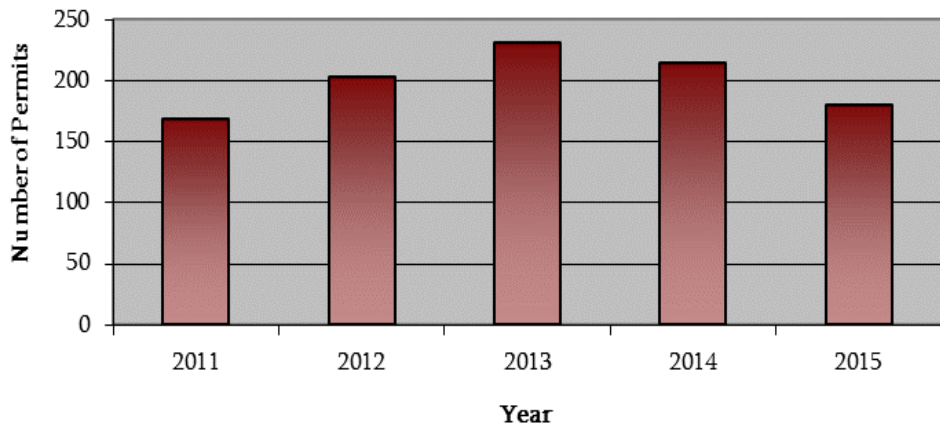
Zoning Books Sold					1			1					2
Fees Collected	\$1,055.08	\$449.50	\$925.76	\$896.01	\$1,436.68	\$1,321.53	\$2,116.59	\$1,464.66	\$1,097.35	\$968.63	\$1,106.91	\$417.93	\$13,256.63



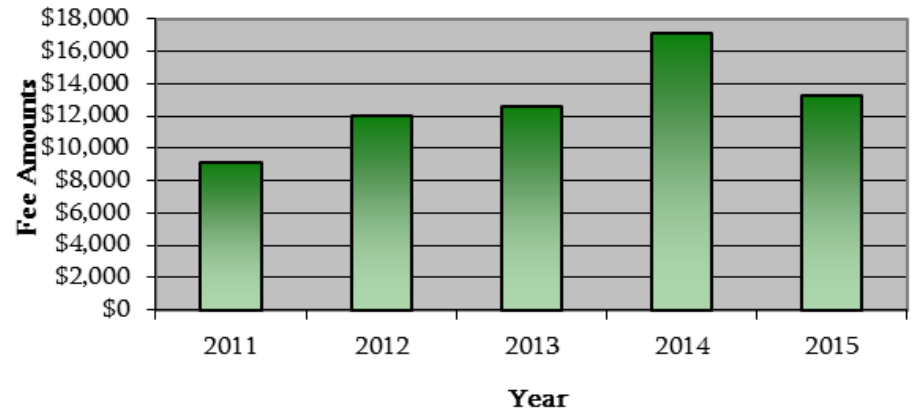
5 Year Permit Comparison Report Danbury Township Zoning

	2011	2012	2013	2014	2015	TOTALS
New Dwelling	21	17	22	27	26	113
Condominium Building			1	1	0	2
Addition/Porch/Deck	48	57	43	45	34	227
Accessory Bldg./Dock/Pool	34	46	33	44	33	190
Fence	18	23	38	19	18	116
Commercial Building	3	2	8	8	6	27
Commercial Addition		2	4	2	1	9
Sign	6	10	13	13	12	54
Change of Use	3	4	6	2		15
Permit Rejected/Voided	13	13	10	13	14	63
Zoning Amendment	2	3	2	6	4	17
Appeal		4				4
Conditional Use	2	2	7	4	5	20
Cond. Use Phase Approval						0
Variance	13	12	9	17	13	64
Special Exception			1			1
Other Misc.	5	8	34	14	14	75
Permits Processed	168	203	231	215	180	997
Zoning Books Sold	1	2	2	1	2	8
Fees Collected	\$9,090.50	\$12,014.84	\$12,616.05	\$17,107.19	\$13,256.63	\$64,085.21

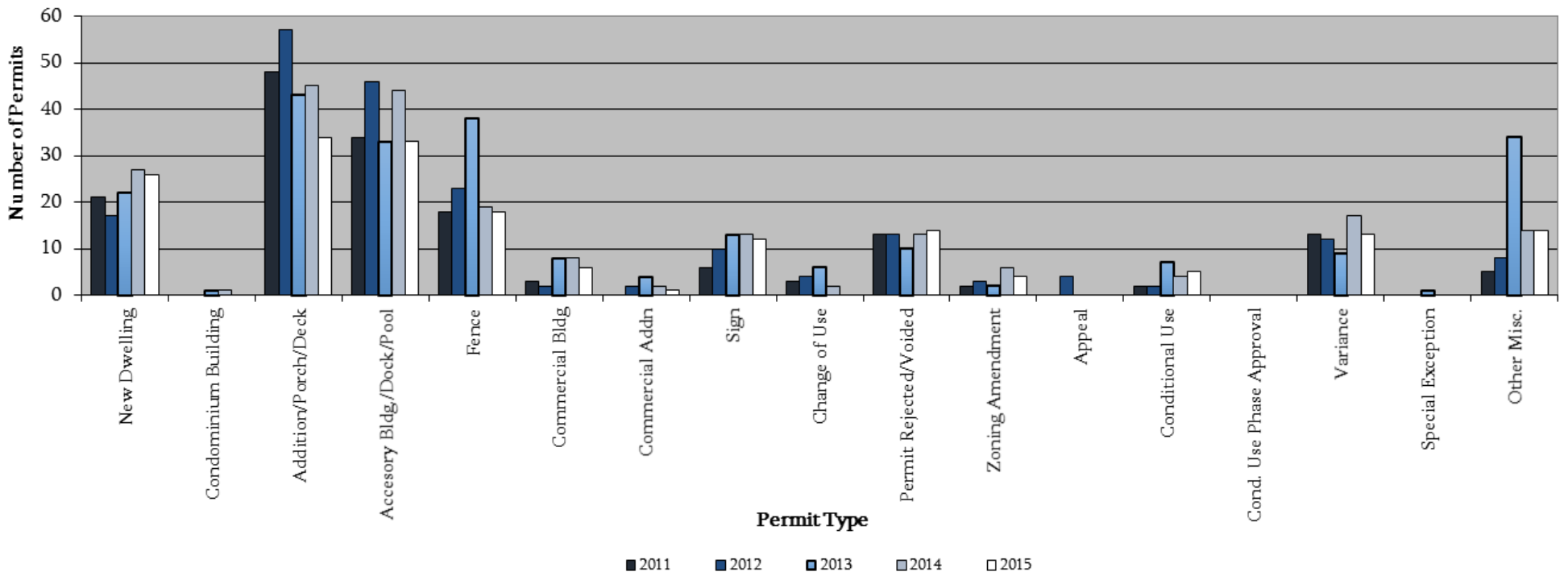
5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



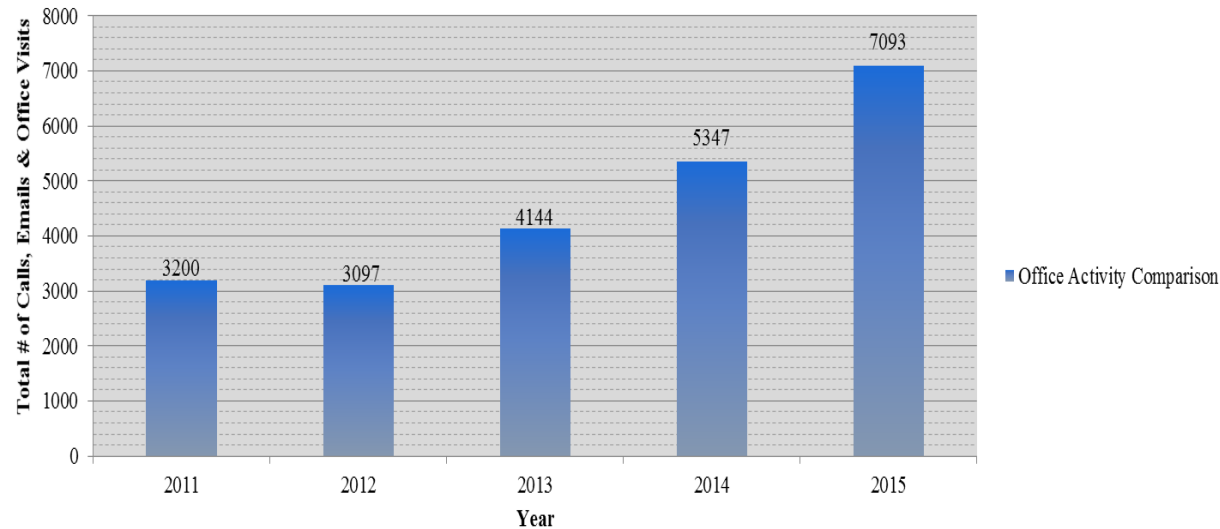
5 yr. Permit Type Comparison



2015 Office Activity Report Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
Calls & Emails													
Outgoing			66	101	129	102	115	64	90	57	40	44	808
Incoming			76	85	78	107	87	74	80	68	152	59	866
Other	413	375	203	235	220	257	266	243	202	176	44	120	2754
Emails			202	214	226	318	285	358	315	266	213	218	2615
	413	375	547	635	653	784	753	739	687	567	449	441	7043
Site Visits													
Zoning Violations													0
Violation Letters Sent	0	3		1	3	14	8	10	6	2	1	2	50
Zoning Inspections	64	19	51	88	77	129	87	74	84	82	71	68	894
	64	22	51	89	80	143	95	84	90	84	72	70	944
	477	397	598	724	733	927	848	823	777	651	521	511	7093
												TOTAL:	7987

Total Office Activity Comparison



Office Activity Summary

