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## **DANBURY TOWNSHIP ZONING DEPARTMENT**

### **2016 ANNUAL REPORT (January 1 – December 31)**

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#### **Board of Zoning Appeals**

Carol Robertson  
John William Smith  
Loretta Grentzer  
Brad Bauer  
Sherry Roberts  
Joseph Fetzer  
Sharon Michael  
Cathy Bertovich

#### **Township Trustees**

Dianne Rozak  
Charles Scott  
David Hirt

#### **Zoning Commission**

Jodi Kopanski  
Kathy Radabaugh  
Steve Pitzer  
John Paul Dress  
Richard Kracer  
Vito Kaminskas  
Michael Brown

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## 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 2016

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

Changes in 2016 included 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 project has been completed as time allowed. In 2015 we switched from SmartSearch to ZonePro for permit tracking and the formulation of permits. As a result, all electronically scanned permits needed to be re-linked in the new program. All permits back to 2012 have been linked and are complete. In regards to the hard copy files for BZA that were filed by owner's last name, 75% have been refiled by address. Zoning Commission files have been completed and refiled by address since 2014.

**Goal: Provide in-house BZA & ZC training.**

On April 12, 2016, Jeff Stopar with Semro, Henry & Spinazze conducted an in-house training session for our BZA. We again invited all the other jurisdictions in Ottawa County to also attend this training session, in which we had 20 people in attendance from 7 other jurisdictions. The session lasted about 2 hours and was very well received.

**Goal: Begin Land Use Plan update so as to be in the adoption phase by 2017.**

Due to an exceptionally busy construction season and volume of BZA & ZC cases and permits, the Land Use Plan kick-off did not occur in 2016. However, staff has been working on collecting existing condition data and working with Mr. Ted Leonard on population and housing projections. The Board of Trustees is set to select a Steering Committee in January 2017 so we can begin the process of updating the Plan.

## 2017 Goals

- Complete 2017 Land Use Plan Update
- Complete BZA filing
- Conduct training for new BZA & ZC Members
- Begin implementation of Land Use Plan through necessary text amendments to zoning resolution as a result of goals established in the Land Use Plan.

## Litigation

**Gordon B. Wahlers vs. Danbury Township BZA:**

**Case Withdrawn**

In April 2016, Mr. Wahlers filed an appeal with the Ottawa County Court of Common Pleas regarding BZA Case 2016-010 for a Conditional Use of 26 Condominium Units located on 7 acres at 5831 E. Harbor Road. The BZA held a regular meeting in February, which was continued until March where the application was approved with conditions. The BZA finalized their decision in April. On July 21, 2016 Mr. Wahlers withdrew his appeal with the Court.

## 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 31 cases (42% increase from 2015) and granted 1 extensions as follows:

Case# 2016-002	8098 Rollie	Peter & Linda Neura	Area Variance	Tie
Case# 2016-006	Roche Pointe	Dean Talip	Modification	Approved
Case# 2016-007	518 Erie Beach	Tom Dearth	Area Variance	Denied
Case# 2016-009	2109 Tecumseh	Don & Judy Kiser	Area Variance	Approved
Case# 2016-010	5831 E. Harbor	Rospert Enterprises	Conditional Use	Approved w/ Cond.
Case# 2016-011	5401 Maritime Shoreway	Bill & Bree Brown	Conditional Use	Denied
Case# 2016-023	216 Plum	Terry & Pat Tomlinson	Area Variance	Approved
Case# 2016-024	161 Laser Lane	Daniel Noll	Area Variance	Approved
Case# 2016-025	1530 S. Danbury N.	William Coburn	Conditional Use	Approved w/ Cond.
Case# 2016-034	8098 Rollie	Peter & Linda Neura	Area Variance	Approved
Case# 2016-035	9198 E. Bayshore Road	Michael Wright	Conditional Use	Denied
Case# 2016-055	56 Woodwinds	Dennis Bednarski	Area Variance	Approved
Case# 2016-057	8620 E. Bayshore Road	Fred Kolar	Conditional Use	Denied
Case# 2016-074	9198 E. Bayshore Road	Michael Wright	Conditional Use	Approved
Case# 2016-086	320 Second	Lakeside Association	Use Variance	Denied
Case# 2016-107	177 Laurel	Ed Elbrecht	Area Variance	Approved
Case# 2016-108	5401 Maritime Shoreway	Bill & Bree Brown	Conditional Use	Approved w/ Cond.
Case# 2016-110	501 Miley	F2 Companies	Conditional Use	Withdrawn
Case# 2016-135	5815 Saylor	Dan & Jean Svejksky	Area Variance	Approved
Case# 2016-138	Commodore	Commodore Bay Sub.	Area Variance	Denied
Case# 2016-139	2352 N. Buck	James Bemer	Area Variance	Approved
Case# 2016-140	420 E. Sixth Street	Lakeside Association	Use Variance	Denied
Case# 2016-141	5741 Von Glahn	Lee & Deb French	Area Variance	Approved
Case# 2016-143	6920 Sunview Drive	Laszlo Tromler	Area Variance	Denied
Case# 2016-156	Richard & Mary Price	408 Oak	Area Variance	Approved
Case# 2016-165	Harbor Bay Estates	Harbor Bay Estates	Modification	Approved w/ Cond.
Case# 2016-194	5648 E. Bayshore Road	Ron & Thelma Landrum	Conditional Use	Approved w/ Cond.
Case# 2016-197	150 Plum	Patricia Thomas	Area Variance	Approved
Case# 2016-214	7340 E. Bayshore Road	Charles Lehmann	Conditional Use	Approved
Case# 2016-217	315 Sackett	Dan Fiscus	Area Variance	Approved
Case# 2016-218	420 E. Sixth Street	Lakeside Association	Area Variance	Approved & Denied
Case#2015-009	Harbor Bay Estates	Michael Prosser	1 yr. Extension	Granted

In February Ms. Sharon Michael was appointed to the BZA as an Alternate Member. In October, Bill Smith resigned from his position as a regular member after serving 8½ years on the Board. Mr. Joseph Fetzer was moved from an Alternate position to fulfill Mr. Smith's term of 12/31/2017. In September, Ms. Cathy Bertovich was appointed as an Alternate to fulfill Mr. Fetzer's unexpired term of 12/31/2017.

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The **Zoning Commission** heard 6 cases in 2016 (4 in 2015), as follows:

- Case# 2016-029      Text Amendments to Chapter 2, 3, 4, 5 & 6 to expand definitions, Permitted & Conditional uses in each zoning district, provide Conditional Use standards that never existed, Modify pool standards, and eliminate erroneous reference in Chapter 6.  
  
Approval– ZC  
Approval – Trustees  
Resolution No. 05-2016  
Effective – 05.27.2016
- Case# 2016-150      Request for a Map Amendment from “R-3” High Density Residential to “C-2” General Commercial for approximately 12.32 acres at the rear of a 22.534 acre parcel (PIN# 0142047633269001) located behind 5754 E. Harbor Road. Sonja Kristensen, Applicant/Agent.  
  
Approval– ZC  
Approval – Trustees  
Resolution No. 13-2016  
Effective – 11.25.2016
- Case# 2016-164      Request for a Map Amendment from “A” Agricultural to “R-C” Recreational Commercial for 1.23 acres located at 8653 E. Bayshore Road (PIN# 0141123315022000). Jack & Sharon Noggle, Owner/Applicant.  
  
Denial– ZC  
Approval– Trustees  
Resolution No. 15-2016  
Effective – 12.22.2016
- Case# 2016-172      Request for a Map Amendment from “A” Agricultural to “C-2” General Commercial, Pt. Lot 17, Sec. 4 for approximately 10.023 total acres consisting of Lot 2 & 3 of Tra-La Subdivision and PIN# 0141145015319000, 0140126101566000, & 0141143815323000 located at 4370 E. State Street & 4422 E. Bayshore Road. Mark & Deborah Zollos, Owner/Applicant.  
  
Denial– ZC  
Withdrawn – Trustees
- Case# 2016-174      Request for a Map Amendment from “L” Lakeside to “LBO” Lakeside Business Overlay for approximately 6.097 total acres consisting of PIN# 0140462303931000 (Block 62, Lots 8-10), 0140462305940000 (Block 62, Lots 18-20), 0140462305969000 (Block 65, Lots 10-12) & 0140462305957000 (Lakeside Athletic Park Plat Vol. 48 Pg. 4) located at 420 & 511 E. Sixth Street. Dan Dudley, CFO & COO for Lakeside Association, Owner/Applicant.  
  
Approval– ZC  
Approval – Trustees  
Resolution No. 14-2016  
Effective – 11.25.2016
- Case# 2016-201      Text Amendments to Section 3.1.11 “M-1” Light Manufacturing & Section 3.1.12 “M-2” Heavy Manufacturing to expand the listing of permitted uses in those zoning districts. Danbury Township, Applicant.  
  
Approval– ZC  
Approval – Trustees  
Resolution No. 16-2016  
Effective – 12.22.2016

In January, Vito Kaminskas was re-appointed to the Zoning Commission as an Alternate member. In August, Steve Pitzer resigned from the Commission after serving for 3 years and then in September Kathy Radabaugh did too, having served 7 years. Mr. Kaminskas was moved to fulfill Mr. Pitzer’s unexpired term of 12/31/2020. In October, Michael Brown was appointed to fulfill Kathy Radabaugh’s unexpired term of 12/31/2017.

## Permits

The 2016 year brought the busiest and best year, for the total number of permits issued and revenues in a decade. There was a 41% increase in the total number of permits processed from 2015 (73 more permits). Between 2000-2010 the Township averaged 256 permits per year. Since 2010, the Township was averaging 200 permits per year. The Township finished the 2016 year with issuing 253 permits.

The average number of new single-family home permits issued since 2010 is 23 permits. In 2016 we were above average in releasing 30 permits for new single-family homes, but still not as high at the 65 permit average from 2000-2010. 25 of the 30 new homes built were on vacant lots; only 4 were a tear down and rebuild; 1, which would also be a tear down and rebuild, has not started.

Commercial construction activity compared to last year, remained near the same with 7 new commercial buildings and 1 commercial addition. A bit of difference with this year's commercial structures as opposed to prior storage buildings, are that 2 of the new commercial developments will be employing approximately 17 people, with some being seasonal, but also room for growth for full-time employment.

2016 appears to have been an exceptional year for the fees collected. Revenues from the permits this year were 70% higher than 2015 and roughly \$8,230 more than the average of the past 5 years and \$3,375 above the 2000-2010 decennial average. Most permit fees are associated with the size of a project. Many of the projects that took place this year were extremely large, but also having 73 more permits contributes substantially to the increase.

Permits over the years have traditionally began to spike between April and June and then again in the late summer/ early fall around September. This year was really no different. However, July and September had the highest number of permits issued in those months since 2006 and October was the best October since 2004.

In addition to issuing a new high for single-family residences; residential additions, porches, decks, accessory structures, and fencing permits were popular improvements made to existing homes and property. The Township continues to see people retiring permanently to the area and making improvements to their properties in preparation of making them year-round. There was a slight up-tick in these ancillary improvements in 2012 & 2013 as well, when the market was bad, people invested at that time in making improvements instead of starting anew.

Enclosed are the Comparison Reports of the permits.

## 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 2016 the Department responded to 7,477 calls, e-mails and in-person inquiries and went on 1,053 site visits. This averages to 623 calls or emails per month and 88 inspections per month. We had a 6% increase in phone volume from 2015 and an 18% increase in inspections. This was in part because we also had more permits issued this year compared to 2015.

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

- Outgoing                746
- Incoming                1,082
- Other                    2,084
- Emails                    3,565
- Violation Letters    56
- Inspections            1,053

There were no Municipal Court citations or abatements/assessments this year related to nuisance complaints or violations.

### **Other Office Updates:**

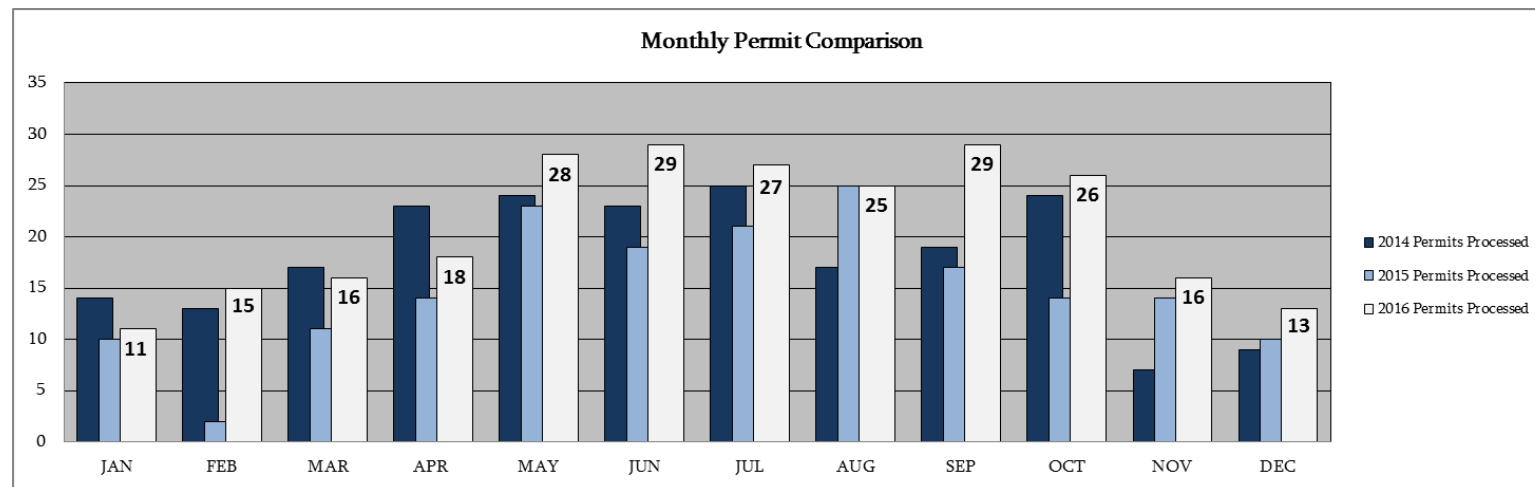
In February 2016, 22 properties were submitted to Ottawa Regional Planning Office for consideration of demolition for 2017 CDGB funds, had the County Commissioners decided demolition was a viable project and allocated funds for that purpose. Half of property owners who were listed, agreed they would willingly participate in the program if they were selected. However, in 2016 Ottawa County also started a Land Bank Program and ultimately the County Commissioners decided to hold-off on continuing the demolition program though use of CDGB funds for 2017.

In September, FEMA held an informational session about their intentions to prepare new Flood Insurance Rate Maps (FIRM's) for Ottawa County as well as draft, preliminary results, as a result of conducting a Great Lakes Coastal Study. They anticipate that these new maps would replace the maps the County adopted in 2015, within the next 2-3 years. During this 2-3 year period, FEMA will be conducting public meetings and community outreach for residents to attend. There are substantial changes proposed. FEMA is proposing to create a new coastal flood hazard area referred to as a VE zone and coastal AE zone. These new zones are subject to strong potential damage as a result of wave action from Lake Erie. These new zones will also carry unique construction standards, which will result in stilt or piling construction. In these new zones, the top of the finished floor is no longer the standard to be considered 'above' the base flood elevation (BFE), but rather the bottom of the lowest horizontal floor structure will have to be at or above the BFE. Additionally, no fill dirt will be permitted to be brought in for structural support for foundations. Links to the documentation and information FEMA shared will be provided on the Townships websites as updates are received, in an effort to try to keep our residents and property owners informed.

## 2016 Monthly Permit Activity Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
<b>New Dwelling</b>		3	3	1	4	1	3	5	5	1	1	3	<b>30</b>
<b>Condominium Building</b>													<b>0</b>
<b>Addition/Porch/Deck</b>		4	4	4	6	9	5	5	8	4	5	1	<b>55</b>
<b>Accessory Bldg./Dock/Pool</b>	2	1	2	2	4	8	7	4	7	9	3		<b>49</b>
<b>Fence</b>		1	2	5	6	2	2	4	2	3	3	1	<b>31</b>
<b>Commercial Building</b>			1	1	1	1					1	2	<b>7</b>
<b>Commercial Addition</b>										1			<b>1</b>
<b>Sign</b>	1				3	1			1	2		1	<b>9</b>
<b>Change of Use</b>				1								1	<b>2</b>
<b>Permit Rejected/Voided</b>	2	2		1	1	1	4	2	1	1		2	<b>17</b>
<b>Zoning Amendment</b>			1					2	2	1			<b>6</b>
<b>Appeal</b>													<b>0</b>
<b>Conditional Use</b>	3	1	1	1	1	2	1	1	1	1			<b>13</b>
<b>Cond. Use Phase Approval</b>													<b>0</b>
<b>Variance</b>	3	2	1	1	1	1	5	1	1	2			<b>18</b>
<b>Special Exception</b>													<b>0</b>
<b>Other Misc. (i.e. Remodel/ Foundation)</b>		1	1	1	1	3		1	1	1	3	2	<b>15</b>
<b>2013 Permits Processed</b>	11	15	16	18	28	29	27	25	29	26	16	13	<b>253</b>

<b>Zoning Books Sold</b>				1		1		1					<b>3</b>
<b>Fees Collected</b>	\$1,310.20	\$1,241.29	\$1,593.81	\$1,614.94	\$1,803.29	\$2,820.53	\$2,168.88	\$2,266.00	\$2,049.44	\$1,907.94	\$1,425.74	\$2,297.44	<b>\$22,499.50</b>

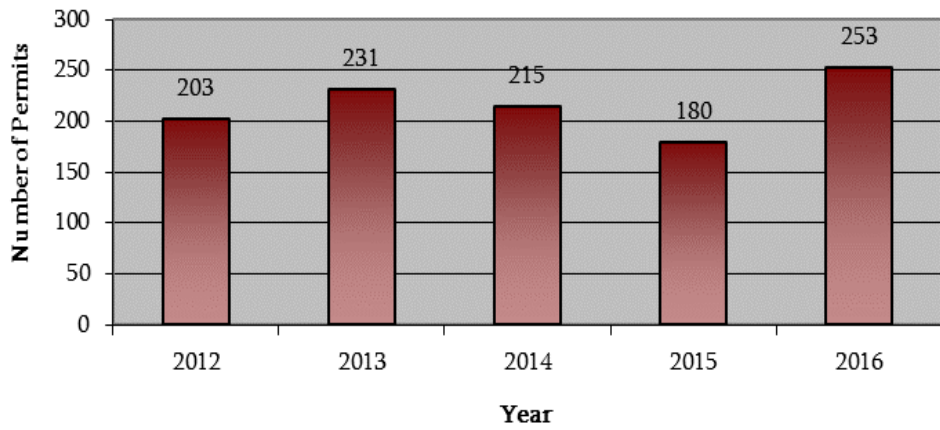


## 5 Year Permit Comparison Report Danbury Township Zoning

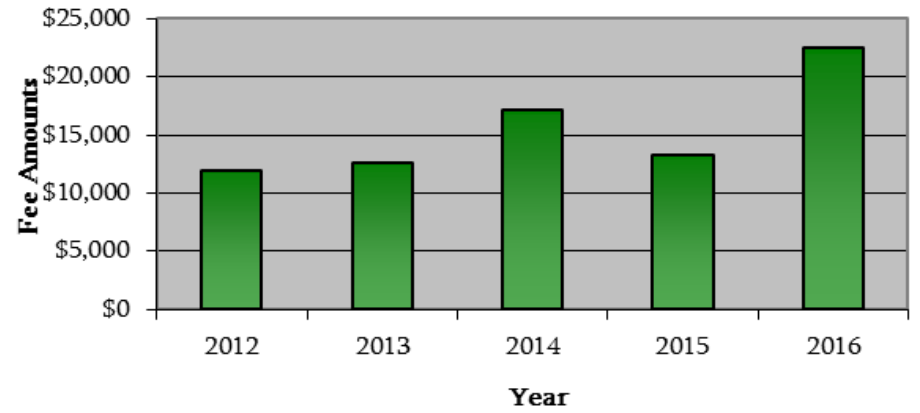
	2012	2013	2014	2015	2016	TOTALS
<b>New Dwelling</b>	17	22	27	26	30	<b>122</b>
<b>Condominium Building</b>		1	1	0		<b>2</b>
<b>Addition/Porch/Deck</b>	57	43	45	34	55	<b>234</b>
<b>Accessory Bldg./Dock/Pool</b>	46	33	44	33	49	<b>205</b>
<b>Fence</b>	23	38	19	18	31	<b>129</b>
<b>Commercial Building</b>	2	8	8	6	7	<b>31</b>
<b>Commercial Addition</b>	2	4	2	1	1	<b>10</b>
<b>Sign</b>	10	13	13	12	9	<b>57</b>
<b>Change of Use</b>	4	6	2		2	<b>14</b>
<b>Permit Rejected/Voided</b>	13	10	13	14	17	<b>67</b>
<b>Zoning Amendment</b>	3	2	6	4	6	<b>21</b>
<b>Appeal</b>	4					<b>4</b>
<b>Conditional Use</b>	2	7	4	5	13	<b>31</b>
<b>Cond. Use Phase Approval</b>						<b>0</b>
<b>Variance</b>	12	9	17	13	18	<b>69</b>
<b>Special Exception</b>		1				<b>1</b>
<b>Other Misc.</b>	8	34	14	14	15	<b>85</b>
<b>Permits Processed</b>	203	231	215	180	253	<b>1082</b>
<b>Zoning Books Sold</b>	2	2	1	2	3	<b>10</b>
<b>Fees Collected</b>	\$12,014.84	\$12,616.05	\$17,107.19	\$13,256.63	\$22,499.50	<b>\$77,494.21</b>



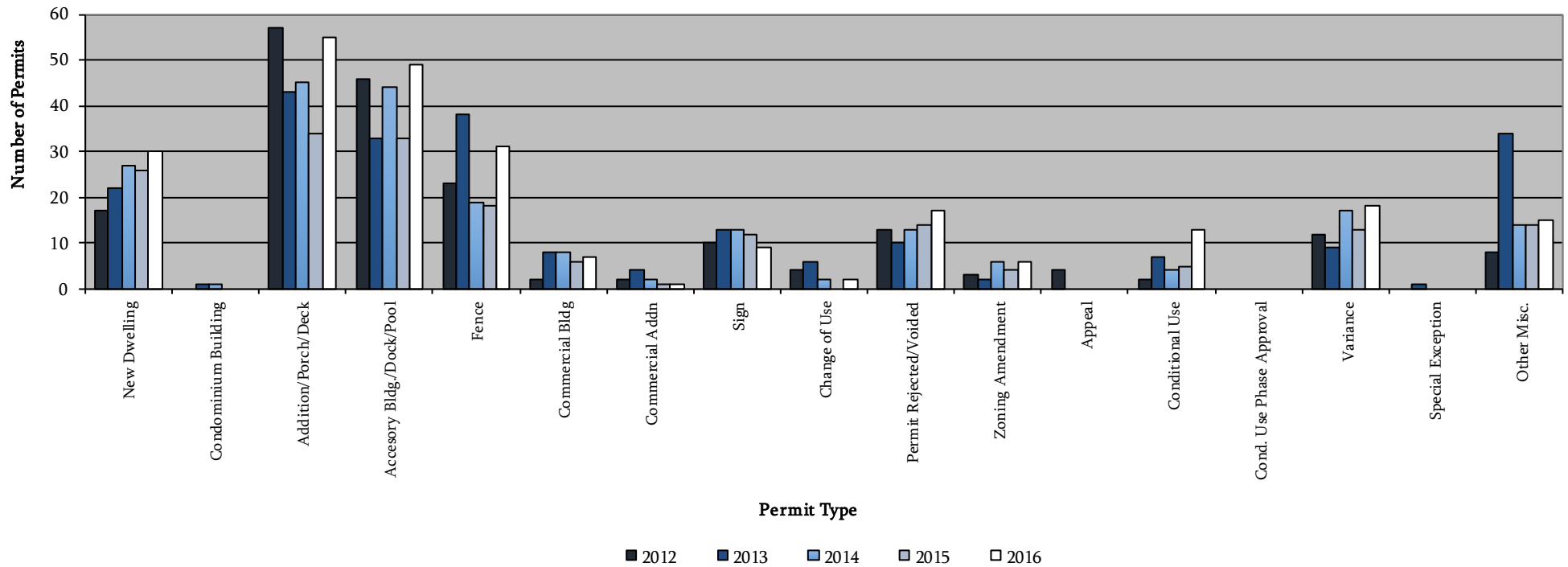
**5 year Zoning Permit Comparison**



**5 year Zoning Fee Comparison**



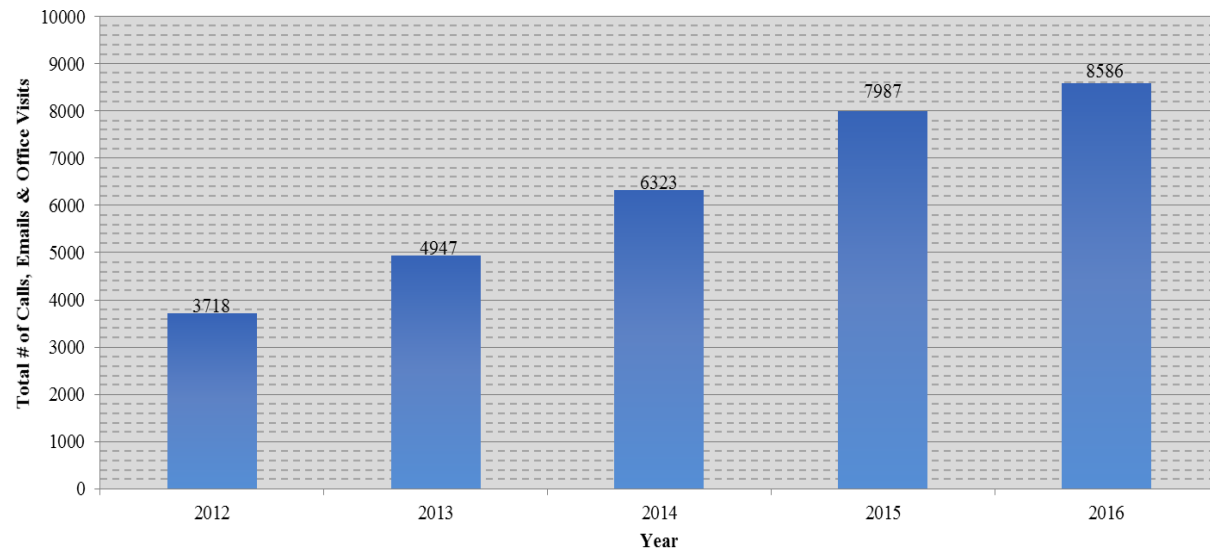
**5 yr. Permit Type Comparison**



## 2016 Office Activity Report Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
<b>Calls &amp; Emails</b>													
Outgoing	44	88	72	49	46	82	53	103	55	62	64	28	<b>746</b>
Incoming	36	84	92	197	127	102	96	80	102	64	77	25	<b>1082</b>
Other	131	164	165	167	191	228	184	296	169	139	175	75	<b>2084</b>
Emails	201	304	284	355	237	278	295	418	287	372	241	293	<b>3565</b>
	<b>412</b>	<b>640</b>	<b>613</b>	<b>768</b>	<b>601</b>	<b>690</b>	<b>628</b>	<b>897</b>	<b>613</b>	<b>637</b>	<b>557</b>	<b>421</b>	<b>7477</b>
<b>Site Visits</b>													
Zoning Violations													
Violation Letters Sent					11	17	17	4	3	2	2	0	<b>56</b>
Zoning Inspections	76	25	84	66	123	156	122	92	54	120	79	56	<b>1053</b>
	<b>76</b>	<b>25</b>	<b>84</b>	<b>66</b>	<b>134</b>	<b>173</b>	<b>139</b>	<b>96</b>	<b>57</b>	<b>122</b>	<b>81</b>	<b>56</b>	<b>1109</b>
	488	665	697	834	735	863	767	993	670	759	638	477	7533
												<b>TOTAL:</b>	<b>8586</b>

### Total Office Activity Comparison



### Office Activity Summary

