

BOARD OF ZONING APPEALS APPLICATION

Danbury Township, Ohio

Date Filed: 04/16/2018 Application #: BZA-2018-059

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

Action: _____

Rejected Permit: 2018-047 Approved Permit: _____

1. Property Location: 8581 Hartshorn Road Parcel ID# 0140214229807001 Zoning District: A - Agricultural Attach Deed For Complete Property Legal Description Existing Use SF Home Proposed Use 24' x 32' Attached Garage Addition

2. Agent Address City State Zip Phone Email:

3. Appellant/ Owner Mark & Denise Moore Address 8581 Hartshorn Road City Marblehead State Ohio Zip 43440 Phone H: (419) 798-4518 C: (419) 270-2247

Use an additional application if there is more than one owner making the request.

4. Specific Request: [X] Area Variance [] Use Variance [] Special Exception [] Conditional Use [] Appeal Chapter / Section Request for an Area Variance to Section 3.1J.D to allow for the construction of a 24' x 32' Attached Garage Addition to encroach 8' into the required west, front-yard setback (42' proposed/ 50' required). Practical Difficulty See Attachment Attach Separate Narrative Statement Describing The Request If Additional Space Is Needed.

5. Attach a Narrative Statement with a response to each Decision Standard listed in Attachment "A" hereto, as is relates to the specific request.

6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on Already have docs.

the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.

⑦ A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved. Lafarge (Chicago & Local) - Kracers

⑧ Photographs or any other information and documentation as it relates to the request being made.

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

(Agent's Signature) _____ (Date) _____
⊗ Mark Moore 4-16-18
(Appellant's Signature) _____ (Date) _____

Filing Fee = (\$200.00) Legal Ad Fee \$ _____ Postage Fee \$ 1.50 Total Fees Paid \$ _____ Amount Invoiced \$ _____
pd 4/16/18 Cash/ Check # 4581 will be invoiced around April 30th or week after
List of neighboring property owners provided? Yes No

PLEASE REFER TO THE BZA DOCKET CALENDAR FOR SUBMISSION DATES.
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED.

Do not write below this line

ZONING SUMMARY

BZA Hearing Date: 5/16/18 BZA Application #: 2018-059
Notice Sent to Newspaper: 4/30/18 Published: 5/4/18
Notice Sent to Neighboring Property Owners: 4/30/18
BZA Action: Approved Denied Approved w/ Conditions Vote: _____

Decision Sheet signed: _____ Expiration of Approval: _____
Date Letter Sent to Appellant: _____
Permit# Issued: _____ Date: _____

Applicant's Narrative Statement & Response to Decision Standard's

8581 Hartshorn Road
Mark & Denise Moore

Scope of Work:

THE ADDITION OF A 24' X 32'
ATTACHED GARAGE

Decision Standards:

- A. The property in question (will/will not) yield a reasonable return or (can/cannot) be used beneficially without the variance because MY WIFE NEEDS TO PARK INSIDE, THE ACCESSORY BLD. IS USED AS MY PLUMBING SHOP FOR MY BUSINESS.
- B. The variance (is / ~~is not~~) substantial because IT IS ONLY EIGHT FT.
- C. The essential character of the neighborhood (would / ~~would not~~) be substantially altered by the variance and adjoining properties (would / ~~would not~~) suffer a substantial detriment as a result of the variance because
- D. The variance (would / ~~would not~~) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because
- E. The property owner (~~can~~ / ~~did not~~) purchase the property with knowledge of the zoning restriction because I DID NOT REALIZE I HAD TWO FRONT YARDS, I THOUGHT WHERE I WANT TO ADD ON WOULD BE A SIDE YARD
- F. The property owner's predicament (can / ~~cannot~~) feasibly be obviated through some method other than a variance because THIS IS THE ONLY SIDE OF THE HOUSE TO ATTACH A GARAGE
- G. The spirit and intent behind the zoning requirement (~~would~~ / ~~would not~~) be observed and substantial justice done by granting the variance because I NEED THE GARAGE ROOM FOR MY WIFE'S CAR AND FOR STORING YARD EQUIPMENT.
- H. Other relevant factors, if any, considered include BECAUSE THE PROPERTY IS ON A CURVE IT HAS TWO FRONT YARDS

2014005447
Filed for Record at
OTTAWA COUNTY, OHIO
VIRGINIA H PARK, RECORDER
10-22-2014 at 09:02 am
TOD Affid 28.00
OR Book 1523 Page 299 - 300

NO TRANSFER NECESSARY
Lawrence Hartlaub Ottawa County Auditor

by J. Mulligan 10.22.14

**TRANSFER ON DEATH DESIGNATION AFFIDAVIT
(O.R.C. SECTION 5302.22)**

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

Mark E. Moore and Denise A. Moore, being first duly sworn according to law, state and aver as follows:

1. That Affiants are husband and wife and that they are the owners of record of the following real property located at 8581 Hartshorn Road, Marblehead, OH 43440 and which is recorded at Instrument No. Vol. 951 Page 356-358 of the deed records of Ottawa County, Ohio and which is more particularly described as follows:

Situated in Danbury Township, County of Ottawa and State of Ohio: known as being a parcel in Lot 12, Section 2, Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows:

Commencing at a found railroad spike marking the intersection of the East line of Lot 12, Section 2, Firelands Survey, Danbury Township, Ottawa County, Ohio with the centerline of Hartshorn Road, T.R. #140; thence proceeding North 87°30'23" West in the centerline of Hartshorn Road, T.R. #140, a distance of 1120.64 feet to a set masonry nail and also being the point and place of beginning of the parcel herein described; thence proceeding North 00°13'47" West, passing through an iron pin found at 20.02 feet, a total distance of 250.00 feet to a found iron pin; thence proceeding North 87°30'23" West, passing through an iron in found at 291.62 feet, a total distance of 311.64 feet to a masonry nail set in the centerline of Hartshorn Road, T.R. #140; thence proceeding South 00°13'47" East in the centerline of Hartshorn Road, T.R. #140 a distance of 250.00 feet to a found iron pin marking point of deflection in the centerline of Hartshorn Road, T.R. #140; thence proceeding South 87°30'23" East in said centerline of Hartshorn Road, T.R. #140, a distance of 311.64 feet to the point and place of beginning. Said parcel contains 1.787 acres but is subject to all legal highways and easement of record.

The above legal description was prepared by Allan W. Weirich, Professional Surveyor #7427, and is based on the assumption that the East line of Lot 12, Section 2, Firelands Survey, Danbury Township, Ottawa County, Ohio bears North 00°46'41" East, and is also based on a survey done in April, 1997.

Parcel No. 0140214229807001

- 2. That title to the above-referenced property is held by the Affiants as Tenants in Survivorship;
- 3. That Affiants hereby designate the entire undivided interest in the property held by Affiants for transfer on death to the person or persons named below, as transfer on death beneficiaries, to receive the title of the Affiants upon both of their deaths as follows:

Name of Beneficiary/Percentage Interest of Transfer on Death Beneficiary

Christopher C. Moore and Mary Beth Moore

- 4. That Affiants state that the dower rights of each are subordinate to the vesting of the title to the real property in the transfer on death beneficiary or beneficiaries designated herein; and
- 5. That this Affidavit, and the beneficiary designation(s) set forth herein, hereby revokes, replaces and/or supersedes any prior beneficiary designations by Affiants, whether by deed or affidavit, related to the above-designated property.

Signed this 8th day of July, 2014.

[Signature]
Mark E. Moore, Affiant

[Signature]
Denise A. Moore, Affiant

Sworn to and subscribed before me on this 8th day of July, 2014, before me, the subscriber, a Notary Public in and for said county and state, personally came Mark E. Moore and Denise A. Moore, who under penalty of falsification in violation of Ohio Revised Code Section 2921.13, represented to me to be said persons, and who acknowledged and executed the foregoing instrument as their voluntary acts and deeds.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]
Notary Public

My commission expires _____
MARK P. SMITH, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION

This instrument prepared by:

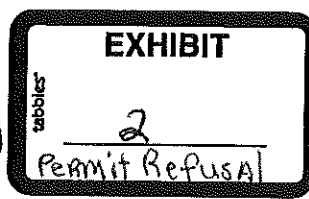
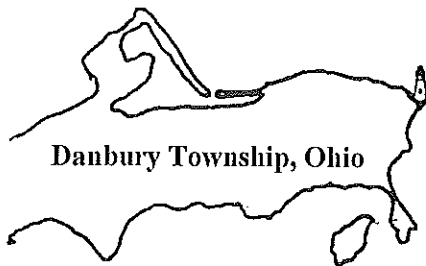
Mark P. Smith, OSC # 0088538
3116 Bardshar Road
Sandusky, OH 44870-9753
Phone: (419) 625-0536
Fax: (419) 625-3786
E-mail: marksm@uawlsp.com



The Standard Slag Co.
8700 W. Bryn Mawr Avenue
Chicago, IL 60631

LaFarge North America, Land Division
831 S. Quarry Road
Marblehead, Ohio 43440

Richard & Kathy Kracer
790 Hartshorn Road
Marblehead, Ohio 43440



Kathryn A. Dale, AICP
Zoning & Planning Administrator

Cheryl K. Harmsen
Zoning Assistant

NOTICE OF REFUSAL

April 6, 2018

To Applicant/ Owner: Mark & Denise Moore
8581 Hartshorn Road
Marblehead, Ohio 43440
Application No.: 18-047
8581 Hartshorn Road
BZA Case No.: _____

Your application dated APRIL 6, 2018 for a zoning certificate for an 24' X 32' ATTACHED GARAGE ADDITION located at 8581 HARTSHORN ROAD, MARBLEHEAD, OHIO 43440 is hereby refused on this 6th DAY OF APRIL, 2018 under Article 3, Article 5, Article 6 and Article 7 of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "A" Agricultural.

Article 3, Section 3.5.3

General Regulations Applicable to All Districts

- 3. No building or structure shall be erected, converted, enlarged, or reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.

Article 3, Section 3.1.1.D

Development Standards for the "A" Agricultural District
Setbacks:

Variance #1 →

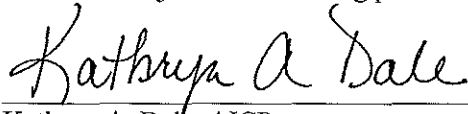
- Minimum Front-yard Setback 50'
- Minimum Rear-yard Setback 40'
- Minimum Side-yard Setback 20'

- The applicant is proposing to construct a 24' x 32' attached garage addition onto the house which will be 42' from the west, front property line where 50' is required.
- The addition meets or exceeds all other zoning requirements.

Article 6, Section 6.1.a. states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.8 of the Danbury Township Zoning Resolution. A request for an Area Variance is necessary prior to proceeding with the proposed construction.

Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.



Kathryn A. Dale, AICP

Danbury Township Zoning & Planning Administrator

Note: The applicant has 20 days (per Section 7.8.2.A.i.) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. The Ottawa County building departments may also have comments that will need to be addressed before releasing permits.



Danbury Township, Ohio

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

ZONING PERMIT APPLICATION

Date Filed: 4/6/18 Application #: 18-047

~~Approved~~ ^{Refusal} Date: 4/6/18 BZA Case #: _____

1. Property Location: 8581 Hartshorn Rd.
 Subdivision 0140214229807001 Lot # _____ Zoning District A
 Existing Use SF Home Proposed Use 24' x 32' Attached Garage

2. Applicant Mark & Denise Moore Address 8581 Hartshorn Rd.
 City Marblehead State OH Zip 43440 Phone (419) 798-4518
 Email: _____ c: (419) 270-2247

3. Owner Same As Above Address _____
 City _____ State _____ Zip _____ Phone _____
 Email: _____

4. Contractor/ Architect Self Address _____
 City _____ State _____ Zip _____ Phone _____
 Email: _____

5. Site Plan: **Attach site plan for subject property. See Instructions & Sample.**

6. Type of Improvement	Residential Use	Non-Residential Use
	<input type="checkbox"/> New Single Family (___ w/Deck)	<input type="checkbox"/> New Building(s)
	<input type="checkbox"/> New Two-Family	Dimensions of each Bldg. _____
	<input type="checkbox"/> New Multi-Family, No. of Units _____	
	<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> Addition
	<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Accessory Structure
	<input type="checkbox"/> Decks or Patios	<input type="checkbox"/> Temporary Uses - Dates From: _____ To: _____
	<input type="checkbox"/> Swimming Pools (above or inground)	<input type="checkbox"/> Signs - Permanent _____ Temporary _____
	<input type="checkbox"/> Walls or Fences	<input type="checkbox"/> Walls or Fences
	<input type="checkbox"/> Temporary Uses - Dates From: _____ To: _____	<input type="checkbox"/> Remodel/ Tenant Finish
	<input type="checkbox"/> Signs - Permanent _____ Temporary _____	<input type="checkbox"/> Docks, Finger, Main or Walkway - _____ sf.
	<input type="checkbox"/> Docks - _____ sf.	<input type="checkbox"/> Other (specify) _____
	<input type="checkbox"/> Other (specify) _____	

7. Project Description: Construct 24' x 32' attached garage onto front of existing SF Home.

8. Are the property line pins located or have you had a recent survey of the lot? Partially (yes/no)

9. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate north and provide the following information:

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Basement:	_____ sf.	_____ sf.	W/S	Front Yard Setback: <u>74' / 158'</u>	<u>42'</u> ft. [⊕] Variance needed 50' Reg'd
First floor; <u>28' x 60'</u>	<u>1,680</u> sf.	_____ sf.		Side Yard Setback:	
Second floor:	_____ sf.	_____ sf.	N side:	<u>67'</u> ft.	<u>Same</u> ft.
Third floor:	_____ sf.	_____ sf.	- side:	_____ ft.	_____ ft.
Garage/carport:	_____ sf.	<u>768</u> sf.	Rear Yard Setback:	<u>177.8'</u> ft.	<u>Same</u> ft.
Decks/porches:	<u>32</u> sf.	_____ sf.	<i>(Setbacks are from the property lines, not the edge of the road pavement)</i>		
Breezeway:	_____ sf.	_____ sf.	Lot Coverage:		
Accessory:	<u>2,160</u> sf.	_____ sf.	A. Principal Building Footprint:	<u>2,448</u> sf.	y 4,608
Parking:	_____ sf.	_____ sf.	B. Total of Accessory buildings:	<u>2,160</u> sf.	
Other:	_____ sf.	_____ sf.	C. Lot Width x Lot Depth = Lot Area:	<u>77842</u> sf.	
Highest point of building above the established grade:	_____ ft.	<u>17'6"</u> ft.	[(A + B) ÷ C] x 100 = <u>5.9</u> %		<u>1.787</u> ac.

NOTE: Private deed restrictions may need to be met in some areas of the township.

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time. The owner of this building or premises and the undersigned, do hereby agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Danbury Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

Mark O Moore
(Applicant's Signature) 4-6-18
(Date)

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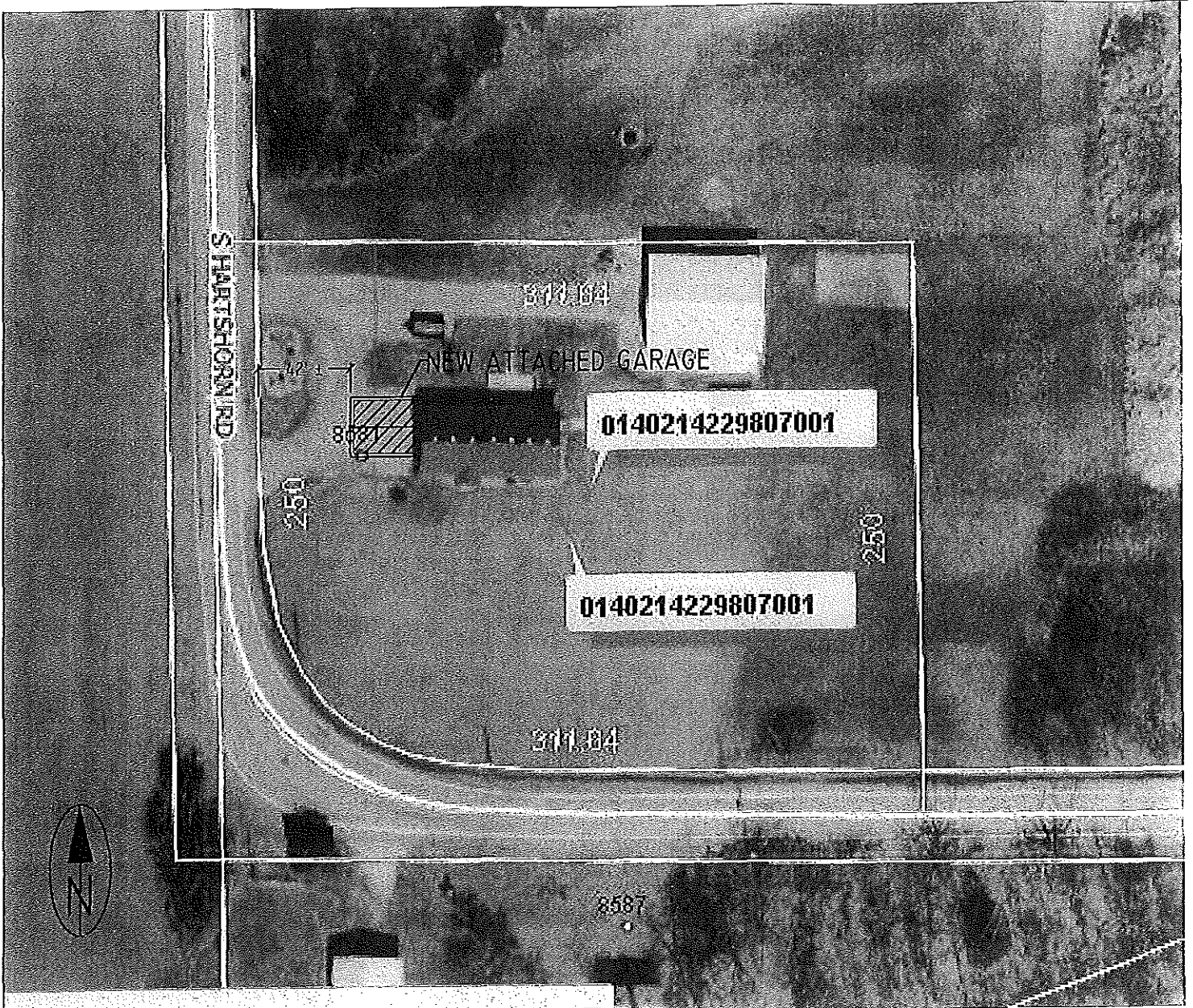
ZONING CERTIFICATE

Upon the basis of Application No. 18-047 the statements in which are made a part hereof, the proposed usage (is or isn't) isn't found to be in accordance with the Danbury Twp. Zoning Resolution and is hereby (approved or rejected) rejected for the A Zoning District.

Kathryn A Dale
Danbury Township Zoning Inspector
5972 E. Port Clinton Road, Marblehead, Ohio 43440

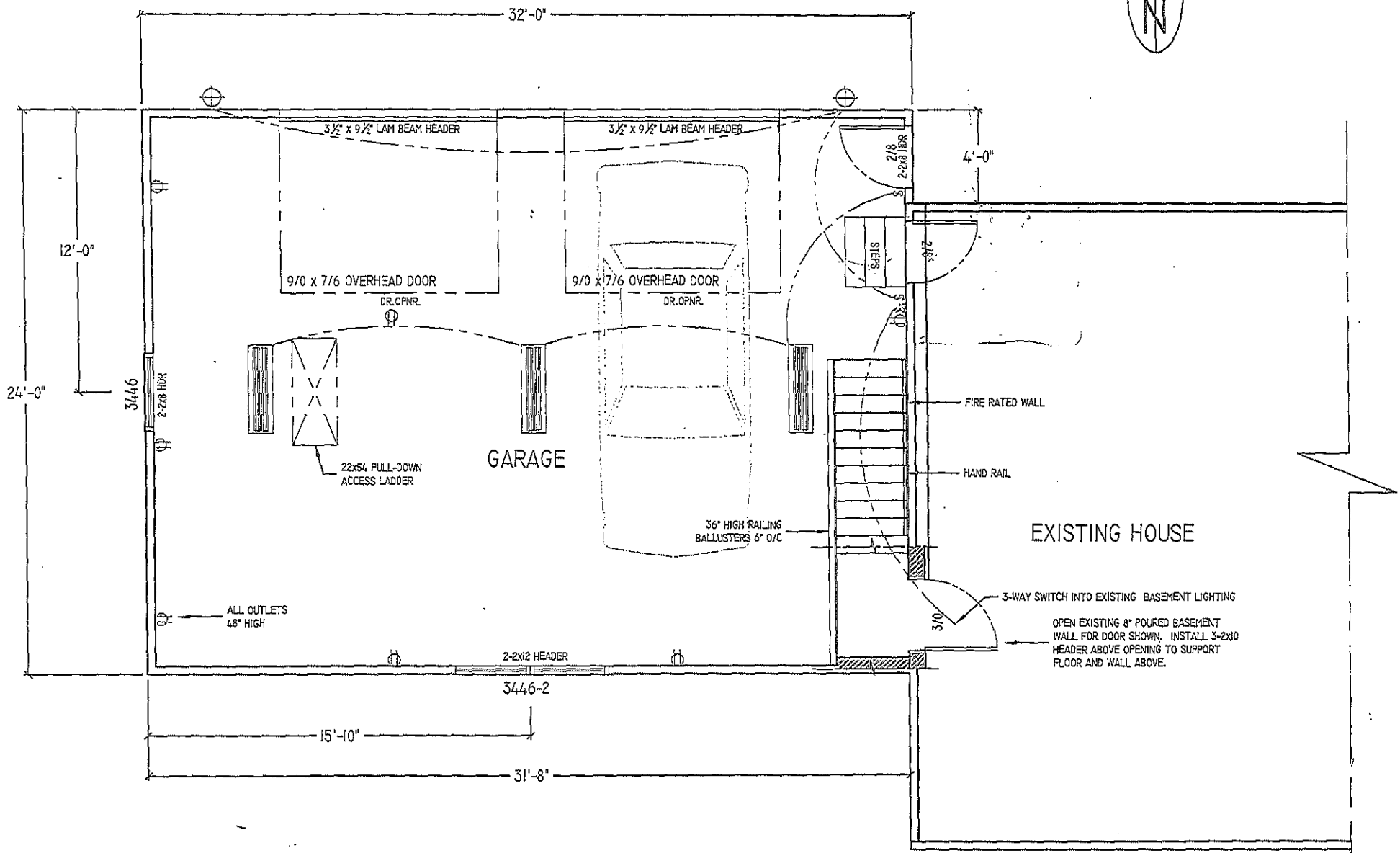
Date Application Received 4/6, 20 18 Fee Paid \$ 0 Cash/ Check # -
Date Application Ruled On 4/6, 20 18 If certificate refused, reason for refusal: Front-yard setback

Permit valid for a period of one (1) year from date of issue.

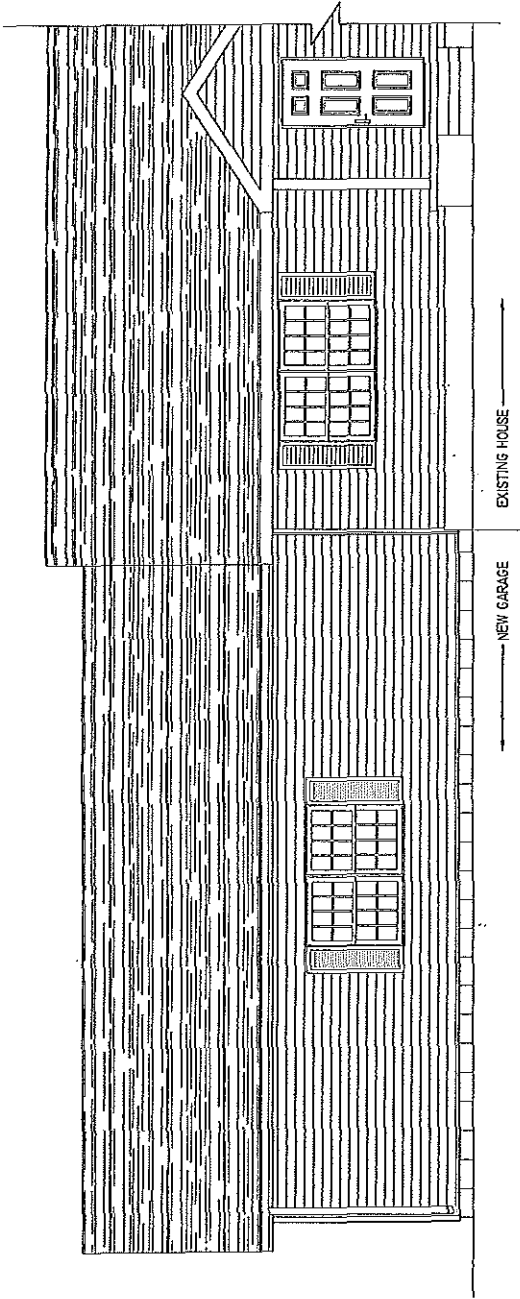


> PLOT PLAN <

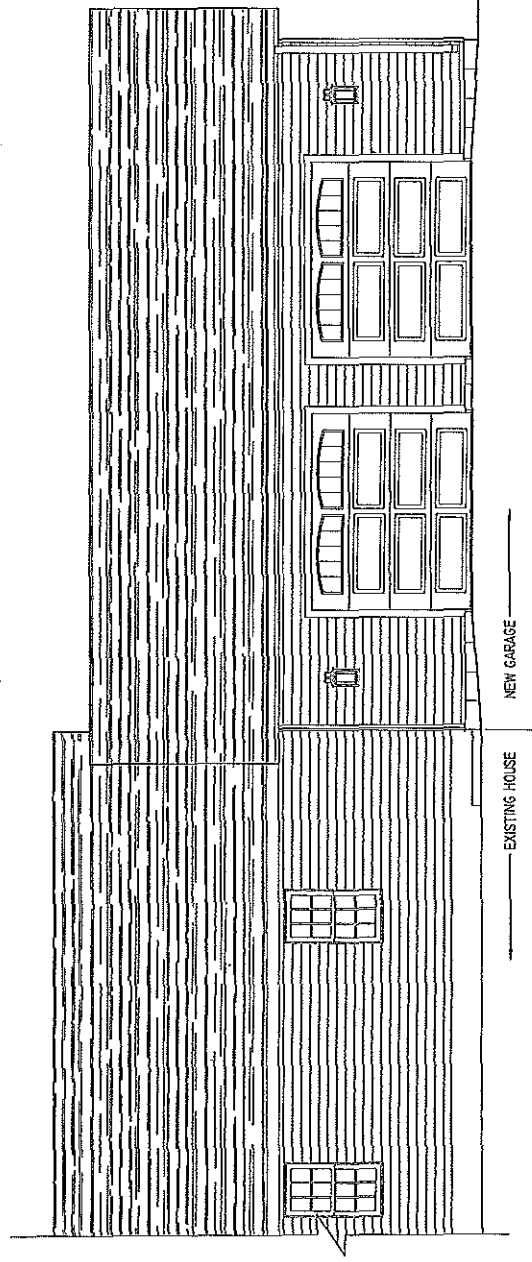
SCALE: NONE

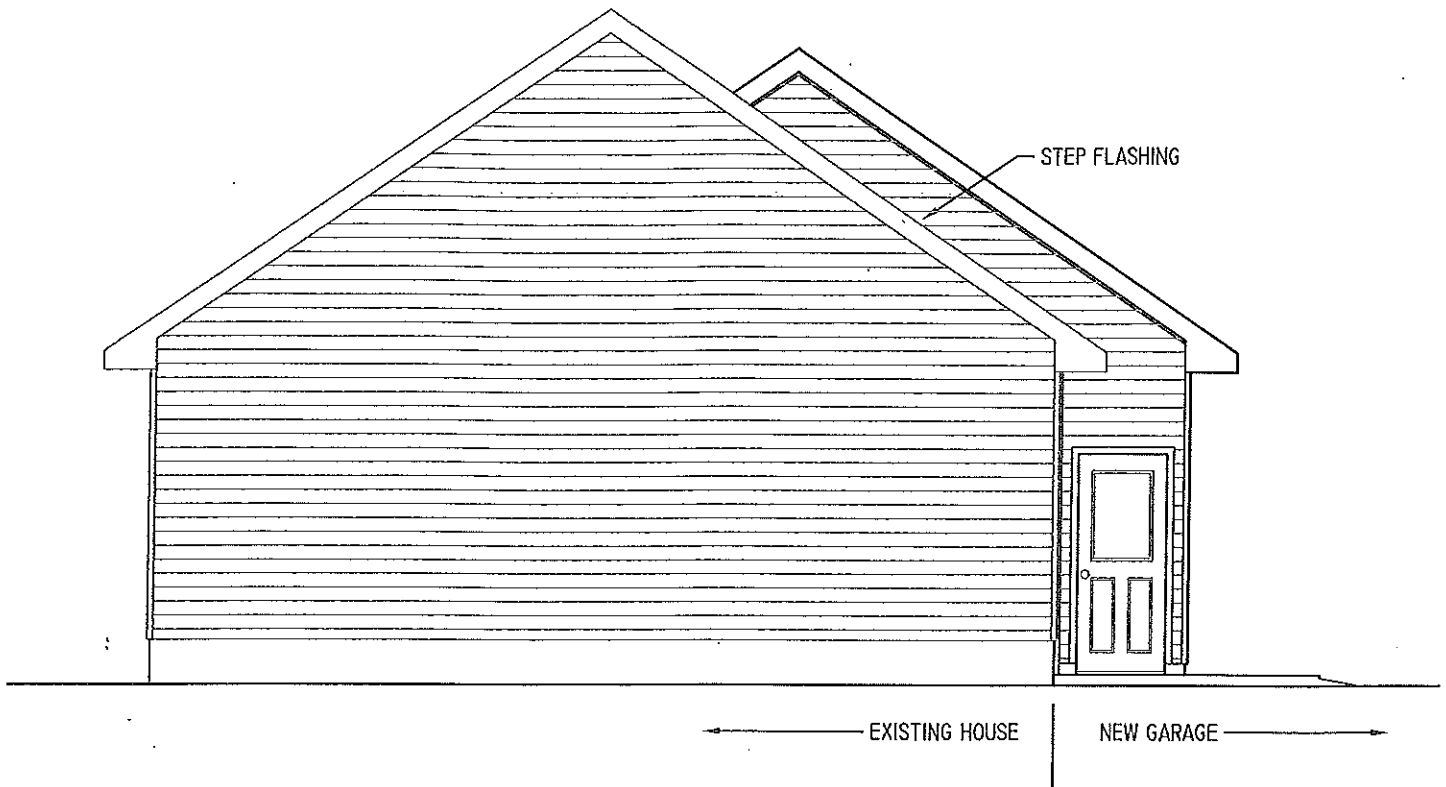


> FLOOR PLAN <

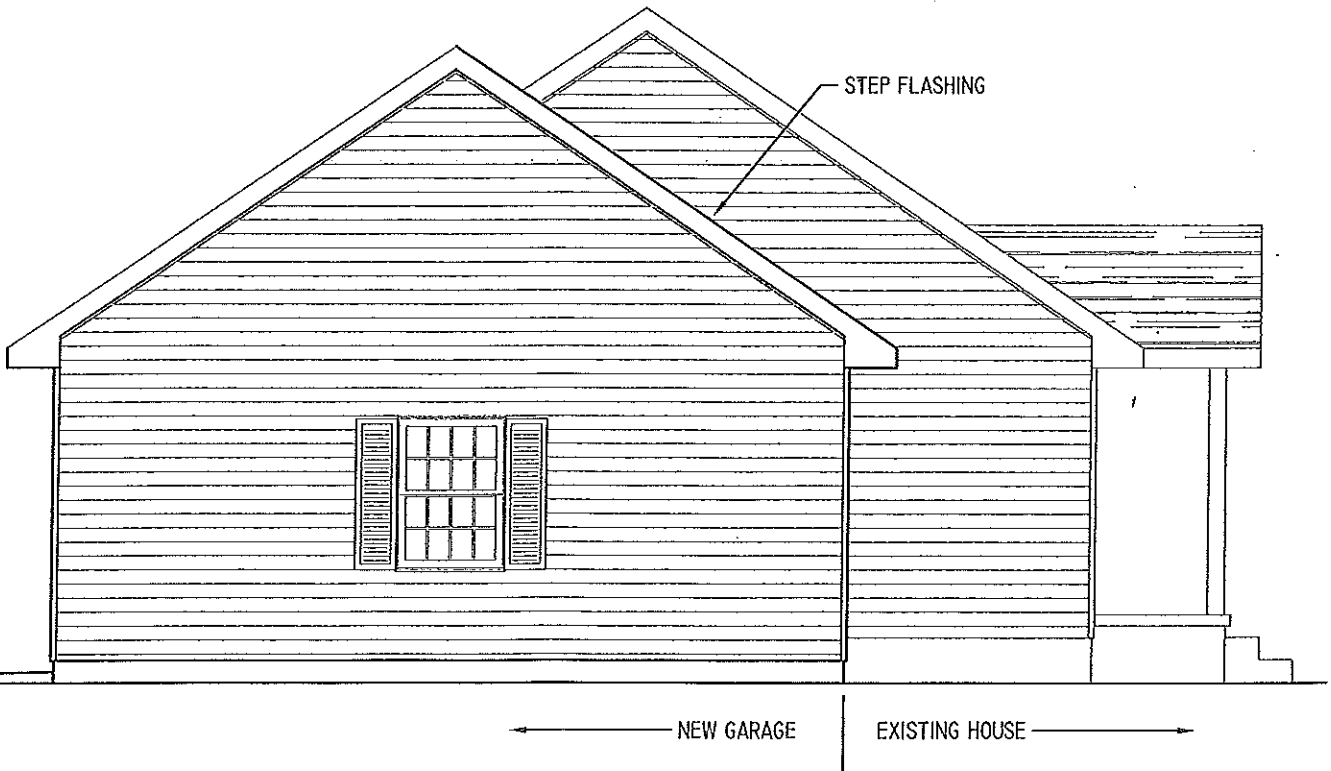


> SOUTH ELEVATION <

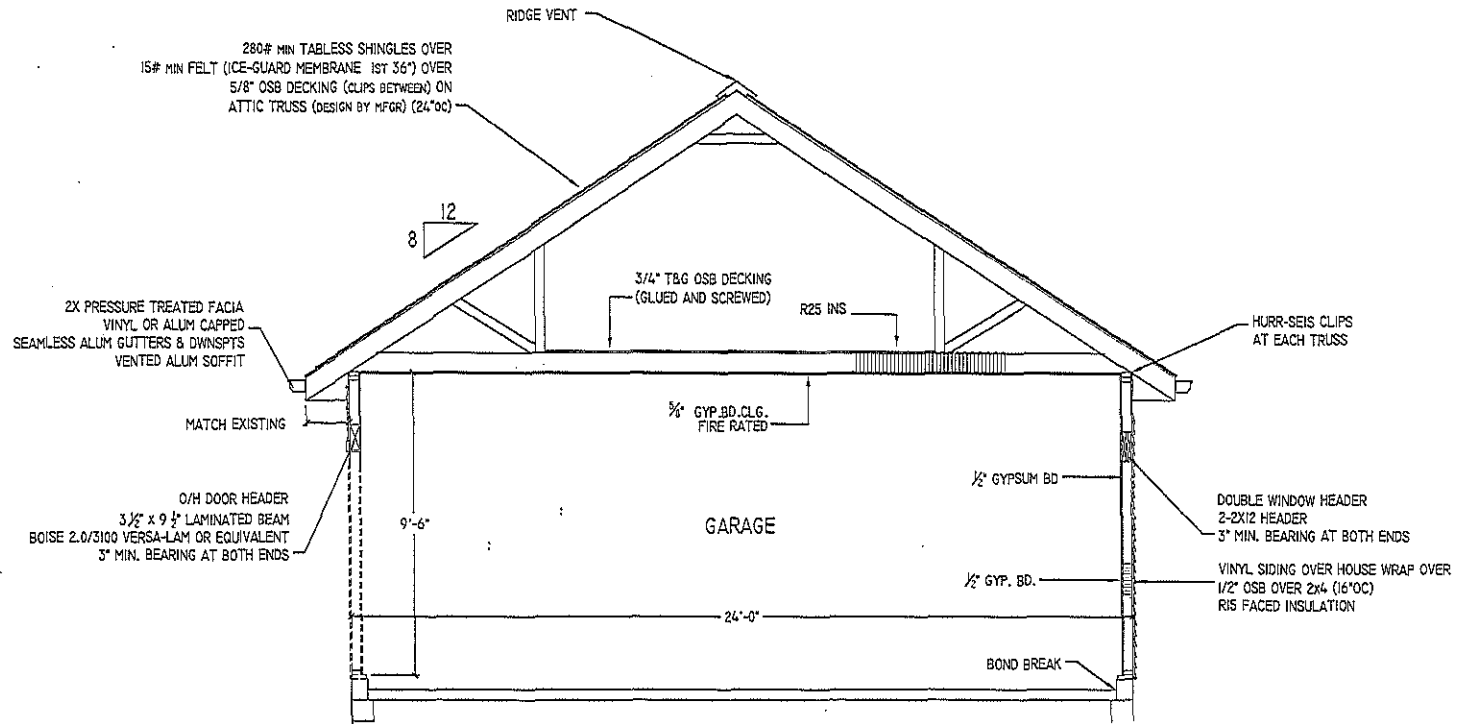




> EAST ELEVATION <

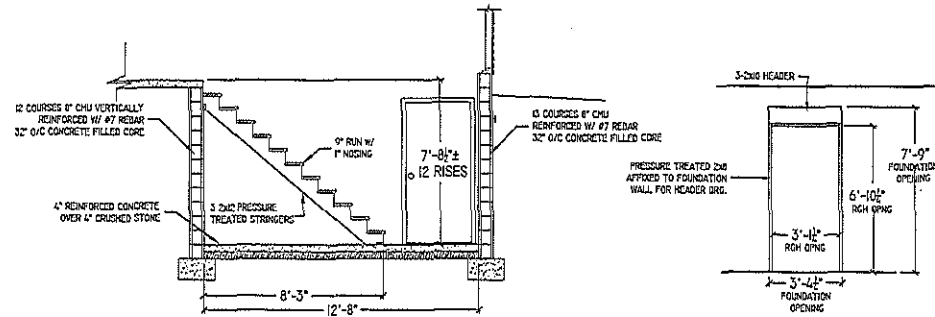


ATTACHED GARAGE ADDITION
MARK & DENISE MOORE



> SECTION THRU GARAGE <

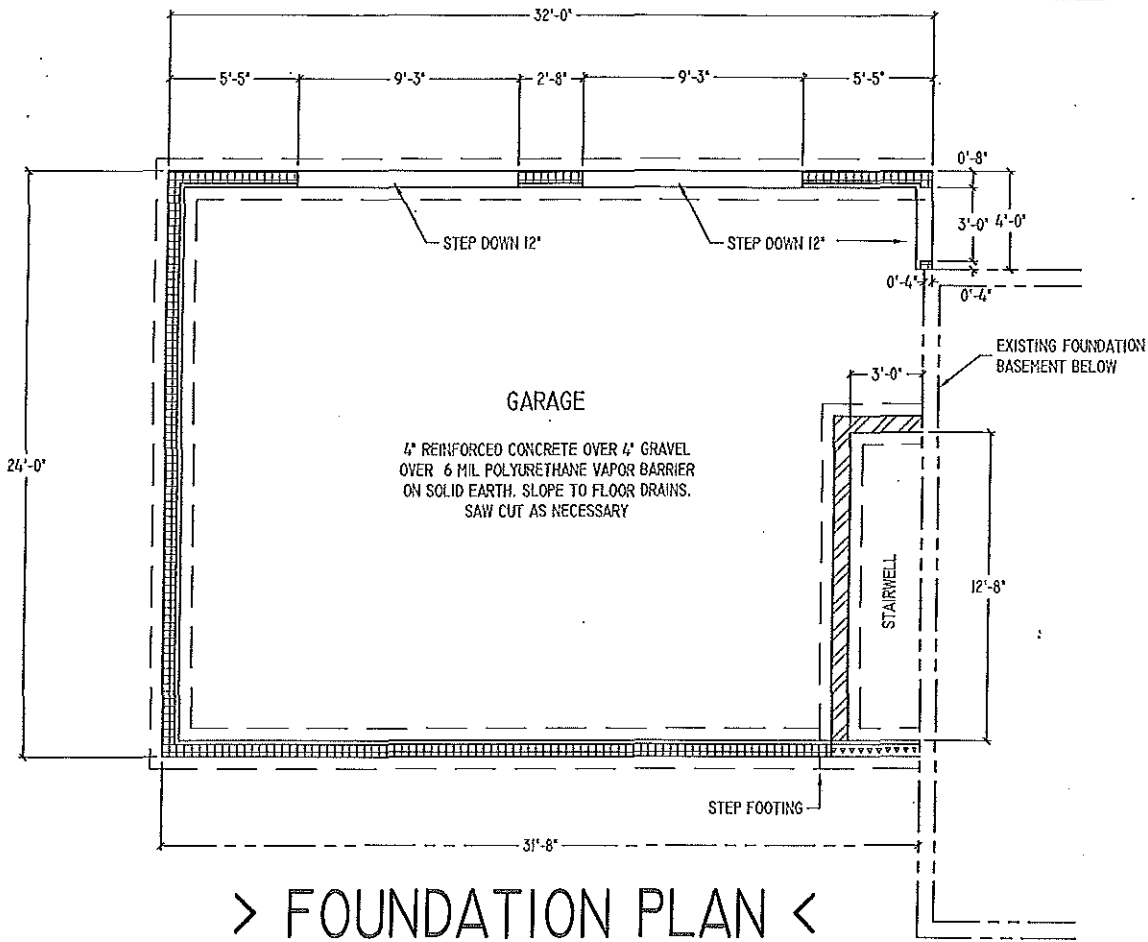
9/32"=1'-0"



> STAIRWELL <

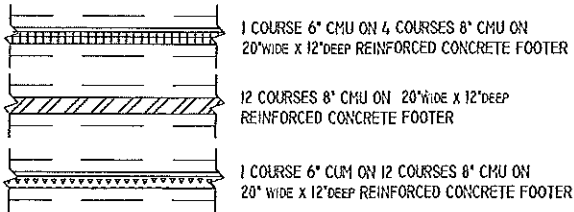
> BASEMENT DOOR <

ATTACHED GARAGE ADDITION MARK & DENISE MOORE	
8581 HARTSHORN RD. MARBLEHEAD, OHIO 43440	
DR: C.T.	DATE: 15-MAR-2012
SCALE: 3/16" = 1'-0"	PAGE: 3 OF 3

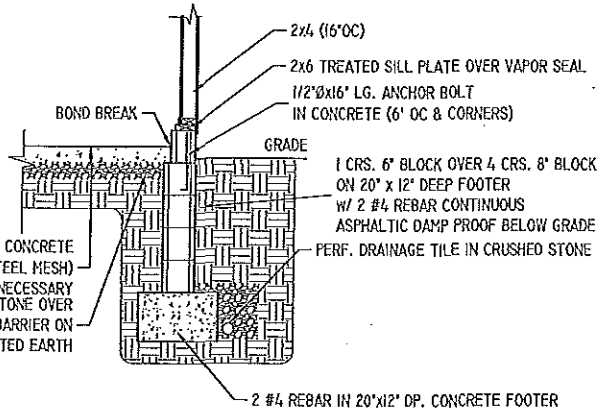


> FOUNDATION PLAN <

> ELEVATION <
TOP OF TOP BLOCK TO BE 8" BELOW TOP OF EXISTING POURED FOUNDATION.



4" MINIMUM REINFORCED CONCRETE (6x6x10 GA. STEEL MESH) SAWCUT AS NECESSARY 4" CRUSHED STONE OVER 6-MIL POLY. VAPOR BARRIER ON UNDISTURBED OR COMPACTED EARTH



> FOUNDATION SECTION <

1122-11 02