

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

October 5, 2016

The Danbury Township Zoning Commission was called to order at 6:30 p.m. at the Danbury Township Meeting Room by the Chair John Paul Dress. The pledge of allegiance was recited and the roll call showed the following present: Mr. John Paul Dress, Mr. Richard Kracer, Ms. Jodi Kopanski, and Mr. Vito Kaminskas. Also present were Kathryn Dale, Zoning and Planning Administrator and Cheryl Harmsen, Zoning Assistant. Visitors present were Bill and Gloria Tibbels, Lisa Bruno, Sharon Scagnetti, Sonja Kristensen, Bob Welch, Steve Fehrmann, Vicky Fehrmann, Daniel Dudley, Kevin Sibbring, John Coppeler, Sally DePerro, Gretchen Colon, Lee and Karen Mader, Kurt and Debby Geisheimer, Eric Meister, Jack and Sharon Noggle, Mark and Deborah Zollos.

Approval of the August 3, 2016 Minutes

The Chair asked for a motion to approve the August 3, 2016 Minutes. Ms. Kopanski made a motion to approve the August 3, 2016 minutes and Mr. Kracer seconded the motion. The roll call vote was as follows: Mr. Dress – yes; Mr. Kracer – yes; Ms. Kopanski – yes Mr. Kaminskas – yes. The motion carried.

Public Hearing

The Chair reviewed the procedures for the meeting and announced the applications are map amendments. This Commission is a recommending body to the Board of Trustees. This is the second of 3 hearings held on these requests. The first hearings were held September 20, 2016 by the Ottawa County Regional Planning Commission. Ottawa County Regional Planning Commissions decisions are a recommendation to the Township. The decision they made will be shared during each case presentation. Following our hearing this evening, our recommendation will be forwarded onto the Township Board of Trustees at their next regular meeting October 12th. Upon receipt of our action, the Trustees will establish at that meeting when they will schedule a public hearing on this application. All notifications for these hearings are published in the Port Clinton News Herald 10 days prior to the hearing. Final action to approve or deny is made by the Board of Trustees.

The Chair asked Mrs. Harmsen to introduce the first case of the evening.

Public Hearing ZC Case #2016-150 5754 E. Harbor Road

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.

No members had conflict of interest. Mr. Kracer made a motion to open the public hearing and Mr. Kaminskas seconded. All were in favor and the motion carried.

The Chair asked Ms. Dale the Zoning Inspector, to give the Commission an overview of this application. Ms. Dale stated the owner is requesting the rear 12.32+/- acres of a 22.534 acre parcel be rezoned from “R-3” High Density Residential to “C-2” General Commercial. The property currently has split zoning and the owner would like for the entire parcel to have a uniform zoning classification. The Applicants late mother applied in 2001 to rezone this same property, in addition to the lot that the tanning salon and County sanitary pump station sits on next to Ferguson’s Gallery, be rezoned from all R-3 to all C-2. However, the land use plan at the time only stated the front 1,000 feet would be appropriate for C-2. As a result, and since there were no definitive plans for the whole property, the rear portion of the property remained R-3. The surrounding vicinity to the north is zoned C-2 where Canoe Club, Allure Signs, Soul to Sol and East Harbor Storage Condos are located. To the east, is R-C and A, where Ferguson’s Gallery and Ahrens farmland is located. To the south is A, though Ottawa County Sanitary Facility utilizes part of that property. To the west is R-3 and C-2, Breezy Acres Manufactured Home Park, Safe Harbor Storage Condos and Erie Social. Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on August 29, 2016 and held a hearing on September 20, 2016. Their decision recommends Approval.

Ms. Dale reviewed the decision criteria in Section 7.6.7.B for Map Amendments. The Chair asked if there was anyone who wished to speak.

Bill Tibbels, 5706 E. Harbor Road asked how the property was going to be used. The Chair stated the Applicant is not required to provide that information.

Mr. Kaminskas asked if any neighbors disputed this request. Ms. Dale stated no one contacted zoning regarding this case. It is a State of Ohio Statute requirement to notify all adjacent property owners. Mr. Kaminskas asked for clarification regarding the parcel that is zoned C-2 and if any buildings are located on it. Ms. Kristensen stated there is one building on the C-2 parcel. Mr. Kaminskas asked the

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reason for the rezoning request. Ms. Kristensen stated it is to make this entire property uniform and for future resale purposes.

Ms. Kopanski stated the way the zoning is split now, if the front part was sold, there would not be access to the back property or residential occupants would have to drive through a commercial development to get to their property.

There was no one else that wished to speak. Ms. Kopanski made a motion to close the public hearing and Mr. Kracer seconded. All were in favor and the motion carried.

The Commission deliberated the Decision Criteria from Section 7.6.7.B for considering the request.

Ms. Kopanski made a motion to approve case ZC-2016-150 as presented herein and found that Decision Criteria "ii" of Section 7.6.7.B of the Danbury Zoning Resolution was satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening. Mr. Kracer seconded the motion.

The roll call vote was as follows: Mr. Kracer – yes; Mr. Dress – yes; Mr. Kaminskas – yes; Ms. Kopanski – yes. The motion carried.

The Chair stated the Application has been recommended for Approval. Ms. Dale will be in touch with the applicant on the date set for the final decision hearing before the Board of Trustees.

The Chair asked Mrs. Harmsen to introduce the second case of the evening.

Public Hearing
ZC Case #2016-164
8653 E. Bayshore Road

Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for 1.23 acres located at 8653 E. Bayshore Road. Jack & Sharon Noggle, Owner/Applicants.

Ms. Kopanski abstained from the hearing. Mr. Kracer made a motion to open the public hearing and Mr. Kaminskas seconded. All were in favor and the motion carried.

The Chair asked Ms. Dale the Zoning Inspector, to give the Commission an overview of this application. Ms. Dale stated the owner is requesting to rezone the 1.23 acre parcel located at 8653 E. Harbor Road from "A" Agricultural to "R-C" Recreational Commercial. There is no prior zoning history assigned to this property. According to the Auditor's property record available online, the property is taxed as a two-family and all structures were constructed prior to 1975 when zoning took effect. There are two existing SF homes on the property and 2 detached accessory structures, which are considered to be grandfather/nonconforming to some degree. Because both homes have been vacant for more than 2 years, only one of the structures would never be permitted to be fixed up and used again as a dwelling unit. The setbacks for three of the structures are also encroached upon but grandfathered, so future expansion of those buildings may be limited, no matter what the zoning district is. The surrounding zoning to the north is A and is vacant wooded land, to the east is R-2, also vacant wooded land, to the south is R-C where South Beach Resort and single family homes are located and to the west, A. The Land Use Plan calls for Medium-Density Residential uses for this property. Residential is defined as uses, either year round or seasonal at a density of two to three dwelling units per acre and some form of sanitary sewer service, either public or private is required in these areas. Deviations from the plan can occur. Two goals of the land use plan may be applicable to this request. Goal one, is to maintain the recreational, commercial, and manufacturing facilities required to serve the permanent and seasonal populations. Goal two is for undeveloped land that adjoins developed land, attain a blend of business and residential activities that enhance the day to day life of the residents and businesses and make the community more attractive for everyone. Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on August 29, 2016 and held a hearing on September 20, 2016. The OCRPC's decision letter recommended Denial.

Jack Noggle stated his nephew, Eric Meister is half owner of this property and will be speaking on their behalf. Ms. Meister stated they have some dilapidated cottages they would like to take down and put up a building to store personal items and clean up the property. Mr. Kracer asked if there were any parcels on the north side of Bayshore with that zoning classification. Ms. Dale answered, there are not. Mr. Kracer asked the accessory size limit in the Agricultural district. Ms. Dale answered two thousand cumulative square feet of all accessories. On C-2 a person can construct storage building without a residence. Agricultural would require a principal use to be established in order to have an accessory building on the lot by itself.

Mr. Noggle stated they want to eliminate the cottages and two other buildings he currently uses as a welding shop and a carpenter shop.

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Ms. Dale stated for the record, she referred to C-2 and should have referenced R-C requirements, adding, if this gets passed, they would have to follow the R-C requirements.

There was no one else that wished to speak.

Mr. Kracer made a motion to close the public hearing and Mr. Kaminskas seconded. The roll call vote was as follows: Mr. Kracer – yes; Mr. Dress – yes; Mr. Kaminskas – yes. The motion carried.

The Commission deliberated the Decision Criteria from Section 7.6.7.B for considering the request.

Mr. Kracer questioned the Applicant as to why they did not pursue finding a permitted agricultural use. Doing so would eliminate the need to ask for this rezoning. Ms. Dale stated if they want to build a building that is larger than 2,000 square feet, they must have a bonafied agricultural use. Ms. Dale reviewed the Zoning Code 2.2 Definition, number 9 for Agriculture. The storage of boats, trailers and personal items or how the applicant said they would use the property does not meet the definition for an Agricultural Use.

Ms. Dale stated a split vote would result in this case coming back to this Commission at the next scheduled meeting in November. There are only three members voting, which is quorum, but there has to be a unanimous decision in order for this case to be decided on this evening according to the By-Laws.

Mr. Dress made a motion to approve case ZC-2016-164 as presented herein and found that Decision Criteria “v” of Section 7.6.7.B of the Danbury Zoning Resolution is satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening.

Mr. Kracer seconded the motion.

The roll call vote was as follows: Mr. Kracer – no; Mr. Dress – yes; Mr. Kaminskas – no.

Ms. Dale stated because of the split vote, the Application has to be heard again at the November 2nd meeting.

The Chair asked Mrs. Harmsen to introduce the third case of the evening.

**Public Hearing
ZC Case #2016-172
4370 & 4422 E. Bayshore**

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.

No members had conflict of interest. Mr. Kracer made a motion to open the public hearing and Ms. Kopanski seconded. All were in favor and the motion carried.

The Chair asked Ms. Dale the Zoning Inspector, to give the Commission an overview of this application. Ms. Dale stated the owner is requesting to rezone approximately 10.023 acres of land at the State Street/E. Bayshore/Port Clinton Eastern Road intersection from “A” Agricultural to “C-2” General Commercial. The property consists of 5 parcels. Three parcels are metes & bound descriptions, and the other 2 lots are Lots 2 & 3 of the Tra-La subdivision. The property owner has been attempting to sell the property and is having difficulty because the “A” Agricultural designation does not allow someone to operate a small contractor’s business or commercial activity. There is no substantial permit history to any of the parcels. The Tra-La subdivision was created and recorded in 1987. The property at one time housed multiple single-wide mobile homes that over the years have been removed. Only one home currently exists on the property and barns. An Ag Exemption Permit was issued to the current owner and applicant in 2013. To the north of this property, there are single-family homes and agricultural land and zoned A. To the east, there is Bill’s Implement and Bergman’s Market zoning C-2 and A. To the south, is State Route 2 and vacant land and to the west are single-family homes and Agricultural land. The Land Use Plan does call for Low-Density Residential uses for this property. The Land Use Plan does not call for Agricultural, which is what the property is currently zoned. Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 6, 2016 and held a hearing on September 20, 2016. Attached is OCRPC’s decision letter recommending Denial.

Bob Welch, 4361 E. State Road stated the prospective buyer has informed neighbors his desire is to place a migrant camp on this property.

Steve Fehrmann, 4238 State Road stated their property is located to the west and is zoned Agriculture. To the east of this property is a daycare center and there is agreement from these neighbors that they would not want a migrant camp in this area that is mainly residential in nature. If the zoning would change to Commercial, there would be all kinds of different businesses and manufacturing allowed.

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Mark Zollos stated he is the owner of this property and not aware of a migrant camp situation. The individual that was most interested in this property stated he wanted to store his landscaping business, equipment and bulk mulch at this location. This individual didn't mention a migrant camp. People have approached him about establishing a boat repair business, but not a migrant camp. He agreed with the neighbors not wanting a migrant camp adding a small business with a pole barn seems more appropriate for this property.

Mr. Kracer recalled a daycare being approved that adjoins this property. Ms. Dale stated a Conditional Use was granted to the daycare, and they have a Type B Daycare License that allows for up to six children. Ms. Dale reviewed the permitted uses in the Agricultural District. The State of Ohio may have recently given an exemption for Agricultural land to establish migrant worker camps. This would require research to verify. Township Zoning may not be able to prevent it.

Mr. Dress stated if it is approved for C-2, they are permitted any listed use that is listed in the C-2 zoning district. Ms. Dale stated that was correct.

Mr. Kracer asked for a review of any property that is commercially zoned on that same, south side of the street. Ms. Dale stated farther down the road near the old Bay Bridge State Access is commercially zoned property at the corner which is vacant. The 269 intersection and the area just past the underpass is zoned commercial, to the north, African Safari is zoned R-C and to the south on Lightner, there is a campground zoned R-C.

Ms. Kopanski explained that the C-2 zoning district also permits Ag related uses and shared that Ag related uses are given many exemptions by the State, and no matter if the property is rezoned or not, as Ms. Dale stated, more research would have to be done, but the Township may not be able to do anything about a migrant camp either way.

Mr. Zollos stated he didn't want to rezone this property to put in a migrant camp or a manufacturing facility. It's a large property with a lake on it and he envisioned a small business on the property. Ms. Kopanski stated the migrant camp is a moot point because it could be there either way. The decision needs to be made based on the decision criteria. Ms. Dale stated the owner is trying to make his property more saleable and save the potential buyer from coming before this Commission after the property is bought. Manufacturing is not an option in C-2. C-2 is General Business and professional activities. This board does not dictate how the property will be used. The permitted uses are listed in the code.

Ms. Dale reviewed the permitted uses in the C-2 zoning district.

There was no one else who wished to speak. Mr. Kracer made a motion to close the public hearing and Ms. Kopanski seconded. All were in favor and he motion carried.

The Commission deliberated the Decision Criteria from Section 7.6.7.B for considering the request.

Ms. Kopanski made a motion to approve case ZC-2016-172 as presented herein and hereby find that Decision Criteria "ii" of Section 7.6.7.B of the Danbury Zoning Resolution is satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening.

Mr. Kaminskas seconded the motion.

The roll call vote was as follows: Mr. Kracer – no; Ms. Kopanski – no; Mr. Kaminskas – no; Mr. Dress – no.

Ms. Dale stated the Application has been recommended by a vote of 4-0 for Denial. This will be presented to the Trustees next Wednesday and the public hearing date will be set. Contact will be made by staff tomorrow to explain the next steps.

The Chair asked Mrs. Harmsen to introduce the fourth case of the evening.

Public Hearing
ZC Case #2016-174
Lakeside Athletic Park

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.

No members had conflict of interest. The Chair asked Ms. Dale the Zoning Inspector, to give the Commission an overview of this application. Ms. Dale stated Lakeside is requesting to rezone approximately 6.097 acres of land from "L" Lakeside to "LBO" Lakeside Business Overlay. The property consists of 4 parcels. The Lakeside Association is looking to install a community pool, recreational wellness center and supplemental accessory buildings serving those uses as well as some off-street

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parking. The Athletic Park was platted and three lots to the north side of East Sixth are part of this proposed change in zoning class. A Recreational Facility is not listed as a Permitted or Conditional Use within the Lakeside zoning district, but is listed as a Permitted use in the Lakeside Business Overlay district. The LBO district was created in 2012. Two options were available to Lakeside Association. They could apply for a Use Variance before BZA or apply for a Text or Map Amendment. Due to the variance process taking less time, they opted to go for a Use Variance, however the standard for that decision to pass was very high. Ultimately, the BZA denied the request, forcing the Association to apply for a Map or Text Amendment. The Land Use Plan makes no specific recommendations for Lakeside. The zoning code states that parking spaces may be located within three hundred feet of the lot line on which the main use is located and the zoning district is the same. The Land Use Plan pre-dates the "LBO" Lakeside Business Overlay district which was established in 2012 therefore there is no specific recommendation as to whether this should be "L" or "LBO". Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 6, 2016 and held a hearing on September 20, 2016. Attached is OCRPC's decision letter recommending Approval. This area is going to remain some form of a Lakeside district. It is a straight forward request as presented.

Dan Dudley came forward and stated one of the reasons this idea came about is the algae issue on Lake Erie and in 2015, it forced them to close their beaches for about fifteen days that season. Therefore the attendance was down this year and it caused us to look at having a pool. An outside firm was brought in to survey the community and guests to determine their needs and wants for Lakeside. The number one need was a pool and second on the list was a wellness facility. The Community has been involved with the planning of this project. These lots are already being used recreationally and the desire is to be able to expand on those uses. From a Land Use perspective and its general goals, this project will create a facility that enhances the day to day life of residents and visitors, promote and enhance Lakeside that is one of the historical sites in Danbury. There is a seasonal increase of traffic but Lakeside has its own shuttle service. Foot and bike traffic are expected to experience an increase. Noise reduction from the pool has been taken into consideration when planning placement of the pool, slide and buildings at this facility. In terms of the community being behind this project, the capital campaign was started in March and basically 3.3 million dollars have been raised to fund this project by Labor Day.

There was no one else who wished to speak.

Mr. Kracer made a motion to close the public hearing and Ms. Kopanski seconded. All were in favor and he motion carried.

The Commission deliberated the Decision Criteria from Section 7.6.7.B for considering the request.

Mr. Kaminskas made a motion to approve case ZC-2016-174 as presented herein and hereby find that Decision Criteria "iii & iv" of Section 7.6.7.B of the Danbury Zoning Resolution is satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening.

Mr. Kracer seconded the motion.

The roll call vote was as follows: Mr. Kracer – yes; Mr. Kaminskas – yes; Ms. Kopanski – yes; Mr. Dress – yes;. The motion carried.

The Chair stated the Application has been recommended for Approval. Ms. Dale will be in touch with the applicant on the date set for the final decision hearing before the Board of Trustees.

Old Business

There was none.

New Business

Ms. Dale stated Steve Pitzer has resigned therefore the board needs to nominate a new Secretary. Mr. Kracer nominated Vito Kaminskas to be Commission Secretary. Motion seconded by Ms. Kopanski. All were in favor and the motion carried.

Mr. Kracer made a motion to initiate Text Amendments to Section 3.1.11 "M-1" Light Manufacturing & Section 3.1.12 "M-2" Heavy Manufacturing zoning district language to include additional industrial related permitted uses. Motion seconded by Ms. Kopanski. All were in favor and the motion carried.

Other Business

Reports and Communications from Members and Staff

There were none.

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Adjournment

The Chair asked for a motion to adjourn. Mr. Kracer moved to adjourn the meeting and Ms. Kopanski seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 8:16 p.m.

Cheryl Hamner
RECORDING SECRETARY

[Signature]

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ZONING COMMISSION