

Held February 21, 2018

The Danbury Township Board of Zoning Appeals was called to order at 6:30 p.m. by Chair, Sherry Roberts, at the Danbury Township Hall. The Pledge of Allegiance was recited. The roll call showed the following members present: Mr. Joseph Fetzer, Mr. Brad Bauer, Mrs. Loretta Grentzer, Ms. Sherry Roberts and Alternate, Ms. Cathy Bertovich. Ms. Sharon Michael was excused. Also present were Kathryn Dale, Zoning & Planning Administrator and Cheryl Harmsen, Administrative & Zoning Assistant. Visitors present were Peter Corrado, John Solecki, Mike and Melinda Cauley, Gary and Christine Wolf, Cecile Mahr and Neil Slessman,

Ms. Dale read the rules of order for the meeting proceedings.

The Chair asked Mrs. Harmsen if all the documents relating to the case had been received and were in proper order. She indicated that they were. The Chair swore-in the Zoning and Planning Administrator, Kathryn Dale.

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

Adjudication Hearing
Case BZA #2018-009
2496 Cook's Dock

Request for an Area Variance to Section 3.5.7 to allow for multiple additions, specifically an attached garage to encroach into the south, front yard setback (13' proposed/20' required). Gary & Christine Wolf, Owners/ Applicant.

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none.

Mr. Fetzer moved and Ms. Bertovich seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the application is to demolish a little 20' x 22' (440s.f.) cottage on the property in order to construct a 24' x 34' attached 3-car garage addition onto the east side of the existing single-family home. The owners are also proposing roughly a 28' x 28' master suite addition, 17' x 21' family room bump-out and partial second story bedroom additions. Aside from the proposed new garage, all other additions meet the setback requirements. The property is part of Butler's Allotment Subdivision that was platted in 1957. On the plat, there is a 15' private street (Cook's Dock) right-of-way that curves thru the property in front of the house and dead-ends at their property line. When at the property, this 'street' appears to be a private driveway which also leads to a detached garage on another lot that the applicants own. However, since it is platted as a street on the subdivision plat, the applicant's property becomes much like a corner lot with a substantial amount of 20' front yard setback area. The garage addition is proposed to be 13' from the SE corner to the street right-of-way. Ms. Dale reviewed the decision criteria the Board would be considering.

Mrs. Grentzer asked the Zoning Administrator for clarification regarding the aerial photograph of the property and where the garage addition was going to be located in relation to the rest of the house and on the property. Discussion focused on the fact that the applicant is showing that they have 15' from the northern property line to the garage and if they shifted the garage northward, then they would not need to have a variance from the street and could meet the setback requirement from the north property line as well.

Gary and Christine Wolf, Applicant & Owners came forward and were sworn in. Mr. Wolf reviewed the paperwork and stated it was as he submitted. Mr. Wolf shared that they originally were considering putting a garage on the west side of the property, but per their contractor's suggestion, placing it on the east side allows it to have more direct connection and more accessible from the street. Mr. Wolf stated they had their plans in place when the Zoning Administrator pointed out this is sort of like a corner lot and therefore we are encroaching into the setback because there are two front yards. Mr. Wolf reviewed their options but ultimately felt the proposed plan was the best for themselves and their neighbor and they wanted to keep that greenspace separation from the neighbor. Mrs. Wolf stated they fully understand that there has to remain some sort of access as a street. Mr. Wolf stated there is ample space for emergency vehicles to turn around at that corner of the house.

Mrs. Grentzer asked for clarification regarding the driveway Ms. Dale talked about in the staff report that would go around the back side of their house. Mrs. Wolf shared the earlier plan to have a garage on the west would have required a drive to it, but they have abandoned this idea due to their contractor's suggestion. Mrs. Wolf said right now with the cottage they intend to tear down, there are no accessibility issues for people who do drive down there even though the cottage is so

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close to the road, so they do not foresee there being a problem when they remove the cottage and add the garage because the garage will be further away than the cottage is currently.

Mr. Bauer asked for visual clarification regarding the location of the shed they referred too. Mr. Wolf pointed to the placement already shown in the Board Members information packet for this case.

Ms. Roberts asked if Cecile Mahr or Neil Slessman who were present wished to speak. They both stated they did not. There was no one else present with standing who wished to testify.

Mr. Bauer made a motion to close the public comment segment of the hearing, seconded by Mrs. Grentzer. All were in favor and the motion carried.

Mr. Fetzer motioned to recess into executive session to deliberate the merits of the case. Mr. Bauer seconded the motion and the roll call vote was as follows: Mr. Fetzer – yes; Mrs. Grentzer – yes; Mr. Bauer – yes; Ms. Roberts – yes; Ms. Bertovich – yes. The motion carried and the Board recessed at 6:51 pm.

Mr. Fetzer moved and Ms. Bertovich seconded the motion to reconvene. The roll call vote was as follows: Mr. Bauer – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mrs. Grentzer – yes; Ms. Bertovich – yes. The Board reconvened at 7:04 p.m.

The Chair asked Mrs. Harmsen to read the Findings of Fact for BZA Case #2018-009:

With regard to BZA-2018-009 a request for an Area Variance to Section 3.5.7 to allow for multiple additions, specifically an attached garage to encroach into the south, front yard setback (13' proposed/ 20' required) for the property located at 2496 Cook's Dock:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used for a single-family residence and is sufficient in size to accommodate the proposed additions and improvements to the home.
2. The variance **is not** substantial because, the encroachment into the front-yard setback impacts no one and will be further away from the right-of-way than the cottage that will be torn down.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the north wall of the garage will remain aligned with the north, rear wall of the house, retaining the separation between this structure and the property to the north and since the road is a private roadway which dead-ends in front of the applicant's house, there is no need for traffic to pass beyond the curve in the roadway where the 13' setback is proposed.
4. The variance **would not** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because they already exist.
5. The property owner indicated they **did not** purchase the property with knowledge of the zoning restriction.
6. The property owner's predicament **can** be feasibly be obviated through some method other than a variance because the garage, as designed, could be shifted so the south wall of the garage aligns with the south, front wall of the house, which would leave an 8' setback from the northern property line (5' required). While the applicant's do not really mention it in their narrative, they have verbally expressed they do not wish to do this in case in the future they are able to vacate the street right-of-way, or remove that driveway asphalt in front of the house and relocate the drive access to their other lot by going behind & around this house.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the applicants indicate in their narrative that they eventually intend to also tear down the cottage which sits closer to the water, on the other parcel as well.

Mr. Bauer moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (7) weigh more heavily to show that:

- a. Practical difficulty is sufficient to warrant granting the Variance requested.
- b. There is a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **supports** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**:

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Motion Seconded by: Mrs. Grentzer.

Roll Call Vote was as follows: Mr. Bauer – yes; Ms. Roberts – yes; Mrs. Grentzer – yes; Mr. Fetzer – yes; Ms. Bertovich –yes. Vote 5-0 the motion passed.

The Chair stated the case has been Approved. The appellants may pick up their permits in the days following the next meeting on March 21, 2018.

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

Adjudication Hearing
Case BZA #2018-013
1432 N. Buck Road

Request for a Conditional Use to allow for a Bed & Breakfast in accordance with Section 3.1.4.C.iii & Section 4.5. John Solecki, Owner/Applicant.

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none.

Mr. Fetzer moved and Mrs. Grentzer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the request is to convert a single-family residential home into a Bed & Breakfast. The property is zoned “R-3” High Density Residential and a Bed & Breakfast is listed as a Conditional Use in this zoning district. The house consists of four bedrooms. The fourth bedroom is an owner’s suite that will not be rented. The property is surrounded by a public park and nature preserve space. The property has been zoned “R-3” High Density Residential since zoning took effect in 1975. At that time, the structure was a grandfathered commercial use as a convenience store and later used as an office. In 2006, according to the Auditor’s website, the property was converted from Commercial to Residential.

Ms. Dale reviewed the Zoning Code Requirements stating Article 2, Bed & Breakfast Inn Definition is:

“An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and one meal only is provided; the entire service to be included in one stated price.”

Article 4, Section 4.5 Bed & Breakfast Inn states conditions shall be met for all Bed & Breakfast Inns in addition to those identified in its definition in Article 2. These include:

- 1.) *The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.*
- 2.) *One individual not residing in the Inn may be employed in the operation of the Inn.*
- 3.) *No more than four rooms shall be offered for rent.*
- 4.) *Each room rented shall contain a minimum of one hundred square feet. No rented room shall have an independent outside entrance, but emergency fire exits are permitted.*
- 5.) *No use of an accessory building for rental rooms or the owner’s residence will be allowed.*
- 6.) *No cooking facilities of any type shall be permitted in the rented rooms.*
- 7.) *A minimum of one on-site parking space per room offered for rent and two spaces for the owner shall be required.*
- 8.) *The outside appearance of the dwelling shall remain residential in appearance, including any additions thereto.*
- 9.) *One sign not exceeding four square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.*

Ms. Dale stated according to the floor plan submitted, the three rooms being offered for rent meet the minimum 100 sq.ft. size requirements. A total of five parking spaces are required to be provided and there is ample space on the property to accommodate this as well as any guest who may be bringing a boat or other leisure watercraft & trailers. According to the applicant’s letter all other requirements for a B&B Inn on this property will be satisfied.

Ms. Dale reviewed the decision criteria the Board would be considering.

John Solecki, Owner & Applicant came forward and was sworn in. Mr. Solecki reviewed the paperwork and stated it was as he submitted. Mr. Solecki stated this property is surrounded by Great Egret Marsh Preserve and across the road is East Harbor State Park. There have been instances in the past where lodging has not been available for fishermen that come and utilize his fishing charter services.

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Mrs. Grentzer asked when the property had been purchased. Mr. Solecki answered last February. Mrs. Grentzer asked how Mr. Solecki would ensure the guests would not encroach onto the surrounding property. Mr. Solecki stated there is a natural buffer with the tall grass starting at the property line and the mowed grass on this property. However, the surrounding is all public property, therefore, it should not be an issue.

Mr. Bauer asked if this property is their permanent residence. Mr. Solecki reviewed the times they would be at this property and went on to say they are at this property more than they are at their Westlake home. Ms. Bertovich reviewed Article 4, Section 4.5 Bed & Breakfast, number 1, "*The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.*" Mr. Solecki offered to do what as necessary to make this property their permanent residence. The Chair asked for input from the Zoning Administrator. Ms. Dale stated there is not a definition regarding permanent residence in the code, but the Board members need to think about what this code is trying to accomplish. Ms. Dale stated this area has a lot of seasonal residences, she believes the key is, it is supposed to be owner-occupied and not renting out the property for less than a thirty-day period without the owner being there. The discussion centered on the wording of the code and where common sense should be used. Ms. Roberts asked Mr. Solecki if he would agree to a Condition, within this approval, that requires them as owners to occupy the home when it is being rented. Mr. Solecki agreed to wording that requires him to occupy this property when being rented and said it would not be a problem because they recently put a lot of improvements into the structure that they would not be comfortable having people in without themselves present. Ms. Dale agreed this could be addressed & clarified with a Condition in the Decision Standards.

There was no one else with standing who wished to testify.

Mrs. Grentzer made a motion to close the public comment segment of the hearing, seconded by Mr. Fetzer. All were in favor and the motion carried.

Mr. Bauer motioned to recess into executive session to deliberate the merits of the case. Ms. Bertovich seconded the motion and the roll call vote was as follows: Mr. Fetzer – yes; Mr. Bauer – yes; Ms. Roberts – yes; Ms. Bertovich – yes; Mrs. Grentzer – yes. The motion carried and the Board recessed at 7:32 pm.

Mr. Fetzer moved and Mr. Bauer seconded the motion to reconvene. The roll call vote was as follows: Mr. Fetzer – yes; Mr. Bauer – yes; Ms. Roberts – yes; Mrs. Bertovich – yes; Mrs. Grentzer – yes. The Board reconvened at 8:06 p.m.

The Chair asked Mrs. Harmsen to read the Findings of Fact for BZA Case #2018-013:

With regard to Case # BZA-2018-013, a request for a Conditional Use to allow for a Bed and Breakfast in accordance with Section 3.1.4.C.iii and Section 4.5 for the property located at 1432 N. Buck Road.

1. The Conditional Use **will** be harmonious with and in accordance with the **general** objectives of the Danbury Township land use plan because the plan calls for this area to be "High Density Residential" and identified as an area to include some mixed-use type developments including small scale, neighborhood commercial.
2. The Conditional Use **will** be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use **will not** change the essential character of the same area because; the plan calls for the area to be high density residential and identified as an area to include some mixed-use type developments including small scale, neighborhood commercial.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses because there are no exterior changes proposed that would detrimentally effect surrounding property owners or the natural environment and the number of potential extra people on the premises will be limited due to the number of rooms being offered for rent and their sizes.
4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole because the Bed & Breakfast is less impactful than if the property were developed to its full, high-density residential capacity (7-8 Units).
5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities are currently available and would remain unchanged.
6. The Conditional Use **will** have vehicular approaches to the property which **will** be designated so as **not to create** an interference with traffic on surrounding public/private streets or roads

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because there is an existing vehicular approach adequate to service the site and will not cause any interference with the traffic flow for N. Buck Road.

7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the request is the least amount needed to accomplish the goal for the improvements and the request has no detrimental effect on any adjoining properties.

Mrs. Grentzer moved that the Board adopts the findings of fact as read by the Recording Secretary and further moved that the Board has given due regard to the nature and condition of all adjacent uses and structure: the influence of the request on adjacent properties, neighborhood and community, the uses specifically mentioned in the R-C Recreational Commercial zoning district and after considering and weighing these factors, the Board finds the Decision Standards (3) (4) (6) weigh more heavily to show that:

- a. The request is consistent with the Condition Uses specifically mention in the R-C Recreational Commercial Zoning District and the intent and purpose of the Zoning Resolution.
- b. Applicant has proven that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately addressed and
- c. There is a preponderance of reliable, probative and substantial testimony and evidence that supports the applicants request for the Conditional Use.

Therefore the request should be according **APPROVED WITH THE FOLLOWING CONDITION:**

- 1.) That, the owner must occupy the property when the property is being rented.

Motion Seconded by: Mr. Fetzer.

The roll call vote was as follows: Mr. Fetzer – yes; Mrs. Grentzer– yes; Mr. Bauer – yes; Ms. Roberts – yes; Ms. Bertovich – yes. Vote 5-0 the motion passed.

The Chair stated the case has been Approved. The appellants may pick up their permits in the days following the next meeting on March 21, 2018.

Mrs. Harmsen recused herself from the third hearing.

The Chair asked Ms. Dale to introduce the last case of the evening.

Adjudication Hearing
Case BZA #2018-015
5826 Sweetbriar

Request for an Area Variance to Section 7.9.3 to allow for an addition to exceed the 20% addition requirement onto a nonconforming structure (97s.f. allowed/188s.f. proposed; 25%). Timothy & Cheryl Harmsen, Owners/ Applicant.

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none.

Mrs. Grentzer moved and Mr. Bauer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale shared that the applicant is proposing to construct a 9' x 20' kitchen & laundry room addition onto the house. The exiting home is nonconforming because it encroaches into the 20' front-yard setback at the NE corner and is 17' from the front property line. The addition meets or exceeds all setback requirements. The existing home contains 1,694s.f. 20% of this would allow for a 339s.f. addition. The owners put a 242s.f. addition onto the home in 2014. There is 97s.f. remaining so as not to exceed the 20% but the proposed addition equals 188s.f. (25%).

Ms. Dale shared that the aerial photo in the packet is shown only to show where the location of the addition is being placed on the property. According to the applicant's 2014 application, it indicated the house was 11' from the front, street-facing property line. The aerial indicates the house is 14'. There are old iron pipes at the corners of the property, but they are not survey pins. If these

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pipes are any indication on the property line location, then the house measure's 20' at the NW corner, but 17' in the field to the NE corner. Since the addition is not near any of the property lines a survey is not being requested. Ms. Roberts asked why this matters if the addition isn't near the property line. Mrs. Dale explained that the neighbors who are present this evening are also considering a variance request for an addition onto their home. The true and accurate location of the property lines is unknown, but this is included because no matter what source of information we have available, it's showing that Ms. Harmsen's property is indeed nonconforming, so the 20% applies. Ms. Roberts expressed confusion on why this was being brought up since the addition is not encroaching onto the property lines. Ms. Dale stated the numbers have nothing to do with how it relates to the location of the addition, but the measurements matter to establish that the house is nonconforming because otherwise, if the house met requirements, they wouldn't be here asking for a variance.

Ms. Dale reviewed the decision criteria the Board would be considering.

Cheryl Harmsen, Applicant & Owner came forward and was sworn in. Mrs. Harmsen reviewed the paperwork and stated it was as she submitted. Mrs. Harmsen stated a very complete summary has been presented, but she wanted to touch upon two of the decision standards that she feels are the most important. The first one being the substantiality. She does not feel that it is substantial because it's only 91.2s.f. over the 20%, it will only increase the lot coverage to 22.5% where, if the house were conforming 40% lot coverage is allowed. The house was built prior to zoning and only after zoning took effect did a problem come about making it nonconforming. The proposed addition is between the house and the detached garage and will only have 3'6" of the build visible from the property across the street, otherwise the addition is hidden from the other neighbors. The character of the neighborhood will not be effected for this reason as well.

Ms. Roberts asked how close the addition will be to the detached garage. Mrs. Harmsen stated 10'. Ms. Roberts asked what the separation requirement is. Mrs. Harmsen stated 5'.

Ms. Roberts asked if Mike or Melinda Cauley who were present wished to speak. They both stated they did not. There was no one else with standing who wished to testify.

Mr. Bauer made a motion to close the public comment segment of the hearing, seconded by Ms. Bertovich. All were in favor and the motion carried.

Mr. Bauer motioned to recess into executive session to deliberate the merits of the case. Ms. Bertovich seconded the motion and the roll call vote was as follows: Mr. Fetzer – yes; Mr. Bauer – yes; Ms. Roberts – yes; Ms. Bertovich – yes; Mrs. Grentzer – yes. The motion carried and the Board recessed at 8:27 pm.

Mr. Bauer moved and Mr. Bertovich seconded the motion to reconvene. The roll call vote was as follows: Mr. Fetzer – yes; Mr. Bauer – yes; Ms. Roberts – yes; Mrs. Bertovich – yes; Mrs. Grentzer – yes. The Board reconvened at 8:41 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2018-015:

With regard to BZA-2018-015 a request for an Area Variance to Section 7.9.3 to allow for an addition to exceed the 20% addition requirement onto a nonconforming structure (97s.f. allowed/188s.f. proposed; 25%) for the property located at 5826 Sweetbriar:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because it can continue to be used for a single-family residence.
2. The variance is **not** substantial because of its minimal size over the requirement, has no impact on adjacent neighbors, and all other requirements for setbacks and lot coverage are met.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because where the addition is proposed is in the interior of the lot and barely visible from any adjacent properties.
4. The variance **would not** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because the property is currently serviced.
5. The property owner stated they **did not** purchase the property with knowledge of the zoning restriction at the time they purchased the property in 2002, but due to Mrs. Harmsen's employment with the Township Zoning Department, they are aware of the requirement now.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by reducing the size of this proposed addition.

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7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the request is the least amount needed to accomplish the goal for the improvements and the request has no detrimental effect on any adjoining properties.

Mr. Fetzer by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (7) weigh more heavily to show that:

- a. Practical difficulty is sufficient to warrant granting the Variance requested.
- b. There is a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **supports** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Mr. Bauer.

The roll call vote was as follows: Mr. Fetzer – yes; Mrs. Grentzer– yes; Mr. Bauer – yes; Ms. Roberts – yes; Ms. Bertovich – yes. Vote 5-0 the motion passed.

The Chair stated the case has been Approved. The appellants may pick up their permits in the days following the next meeting on March 21, 2018.

Ms. Dale gave permission to Mrs. Harmsen to be reseated.

Signing of Decision Sheets

The Chair requested a motion for approval of the decision sheets for the following cases:

- a. **BZA-2018-001 436 Poplar.** Request for an Area Variance to Section 3.1.5.D & Section 7.9.3 to allow for a front porch addition on a nonconforming structure to continue to encroach into the front-yard setback (1'6" proposed/ 5' required.) **Charles & Joyce Meyer, Owners/ Applicant.**
- b. **BZA-2018-002 416 Walnut.** Request for an Appeal and Area Variance to Section 7.9.6 to allow for the voluntary removal, alteration and demolition of more than 75% of the reproductive value of the structure and rebuild the single-family home in the same location where additional Area Variances from Section 3.1.5.D are necessary for front (1'4" proposed/5' required), side (1' proposed/3' required) and rear (2" proposed/3' required) yard setbacks. **Keith & Anna LePage, Owners/ Applicant; Greg Schmid, Poulos + Schmid, Agent.**

Mr. Fetzer motioned to Approve. Mrs. Grentzer seconded. Voice Vote: All in Favor. None Opposed. Motion carried.

Approval of January 17, 2018 Board of Zoning Appeals Meeting Minutes

Mr. Fetzer made a motion to approve the January 17, 2018 meeting minutes, Mr. Bauer seconded. All were in favor and the motion carried.

Old Business

Ms. Dale stated at the last meeting, the discussion about Officer limits was tabled. Ms. Roberts stated a majority of Board members have indicated they would like to see term limits for the Officers. Ms. Roberts asked if the Zoning Commission has a limit. Ms. Dale stated the Zoning Commission has a three year limit even though elections are held every year for the Officer positions. There was discussion focusing on term limits and serving in different capacities on the Board. Ms. Dale reviewed Article III Section 1 (A) of the Zoning Commission Rules by reading: "*A Chairperson, Vice Chairperson, and Secretary shall be elected. Elected officers are permitted to hold the same elected position for a maximum of three years and must abstain for one full year before being re-elected to that position.*" Ms. Roberts asked Ms. Dale to use the same language the Zoning Commission does, but to change the term from three years to two. Consensus from the rest of the Board was agreeable to this.

New Business

There was none.

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Other Business

Ms. Dale stated, the owners at 416 Walnut Street have indicated they are not going to pursue legal action. New plans that are designed to meet the required setbacks are going to be reviewed at the March Lakeside Design Review Board meeting. She anticipates that a zoning permit will be able to be issued following that meeting.

Reports and Communications from Members and Staff

There was none.

Adjournment

Mr. Fetzer moved to adjourn the meeting and Ms. Bertovich seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 9:00 pm.

Cheryl Hansen
RECORDING SECRETARY

Sherry Belmont
Joseph R. Fetzer
Paul B. Brown
Louella Bentley

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