

RECORD OF PROCEEDINGS
Danbury Township Board of Zoning Appeals

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 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 Sharon Michael. Alternate Cathy Bertovich was excused. Also present were Kathryn Dale, Zoning & Planning Administrator and Cheryl Harmsen, Administrative & Zoning Assistant. Visitors present were Peter Corrado, David Young and Julie Walker.

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 #2018-019
1920 E. Bayshore

Request for a Conditional Use in accordance with Section 3.1.10.C.ii & Section 4.2 for a 154 site Recreational Camp/Campground and an Area Variance from Section 4.2.2.iii to allow 11 existing campsites to have sheds that encroach into the 20' required buffer zone. Consolidated RV Holdings, LLC (David Young & Julie Walker), 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. Bauer moved and Mr. Fetzer 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 owner is requesting to renew the activity of a previously approved Conditional Use and Recreational Camp on the property. Since they filed the application, the applicants asked that the surveyor come back and verify the setbacks of the sheds. Based on the Ottawa County's aerial photography, it looked like the sheds were encroaching into the 20' buffer zone that is basically a no build zone. The survey showed that none of the sheds were in the 20' buffer zone. Therefore, that request can be eliminated and this is strictly just a renewal of the Conditional Use to use this property as a campground.

Ms. Dale stated, in June of 1987 the prior owners of the property were granted with conditions, a Conditional Use by the Board of Zoning Appeals for a 176 site recreational campground. The conditions placed on the project included:

- 1.) Installing a 6' – 8' high landscaped mound along E. Bayshore Road.
- 2.) Permit RV sales on designated sites, but not in the open space or parking areas of the property.

In August 1999, a second BZA hearing was held for a Conditional Use for a recreational campground. According to the minutes of this meeting, the case was being held because the 1987 plan had expired when substantial progress had not been completed. There was a slight change to the layout of the park with this 1999 plan to allow some of the camp sites to contain more space, which resulted in reducing the number of approved sites from 176 to 150. The only condition listed with this approval was that all of Section 805 of the zoning resolution be met. These are the same requirements found in Section 4.2 of our zoning resolution today.

In 2002, a permit was issued for the Clubhouse, then in 2003 a permit was issued for the pool and fencing around it. 2005 is the last permit on file for the creation of 32 RV campsites. Prior to the release of that permit, there were only 10 campsites noted as being established.

Much like the 1987 and 1999 zoning resolutions, today's resolution has an expiration should substantial progress not be made on an approved application. Today's zoning resolution is more specific with a one (1) year limitation. Since 13 years have passed since the last issuance of a permit to the property and 19 years since the last review before the BZA, the applicants' were told a plan would have come back before the BZA to renew an expansion to this property for the unbuilt campsites.

As a result of where infrastructure has been laid and some wetlands or flooding that occurs at the rear of the property, they are proposing to slight change to the layout at the west end of the property from what was last approved in 1985 and 1999, and are now proposing a total of 154 campsites.

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Ms. Dale reviewed **Section 4.2 Use Standards for Recreational Camp:**

2. *Camp Requirements: All camps shall meet the following requirements:*

- i. *Size - Minimum of 10 acres.*
 - This requirement is satisfied. The property consists of two parcels totaling 24.412 acres.
- ii. *Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).*
 - This is a pre-existing lot and meets the requirement.
- iii. *Yard - Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).*
 - All setback requirements are met with the exception of the sheds previously mentioned and the 5 sites along E. Bayshore Road. These 5 campsites currently are not used and can be shown as meeting the requirements herein when permits are eventually applied for. Their approximate size would change from 40' x 60' to 40' x 40'.
- iv. *Access - Shall be provided into the camp with a minimum right-of-way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.*
 - The entrance off E. Bayshore is approximately 25' wide, but is existing and was installed as approved by prior BZA proceedings.
- v. *Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.*
 - This requirement is satisfied.
- vi. *Recreation and Open Space - 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.*
 - This requirement is satisfied. A total of 6.103 acres is required and the applicants have approximately 7 acres of undeveloped land west and north of campsite 94.

3. *Site Requirements: Individual sites within the camp shall meet the following requirements*

- A. *Site Area - Minimum of 1,200 square feet per site.*
 - This requirement is satisfied. Each camp site averages a space of 40' x 65' = 2,600 sq.ft. There are some campsites shown as 40' x 75' and 40' x 80'.
- B. *Site Width - Minimum of 30 feet and should front on road.*
 - Each camp site is shown as 40' in width and meets this requirement.
- C. *Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.*
 - Based on the typical site detail this requirement is met and will be able to fit up to a 24' x 57' camper or park model. The park models currently on the existing sites with their respective carports or covered decks are only 10' wide (20' with the extra covering) and 40' long.
- D. *Corner Markers - All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.*

4. *Camp Utilities and Services Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.*

5. *Supplementary Regulations: Accessory Buildings and Uses - Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals*

- Sheds typically are not a problem to allow within a campground, but they do need to meet the setback requirements from the property boundaries.

No future communal buildings are indicated.

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

Ms. Roberts asked if the 25' street issue should be addressed in the decision. Ms. Dale stated the record already shows how it came to be and no variance is necessary since it has been installed for some time and should have been addressed under previous Board reviews.

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David Young, Applicant and Owner came forward and was sworn in. Mr. Young reviewed the paperwork and stated it was as he submitted. Mr. Young shared they bought the property in 1999 and have been in the manufactured housing and RV business since 1947. Since 1998 they purchased a few existing campgrounds in the area. They currently own and manage 6 manufactured home parks and 6 campgrounds. Camp sites on this property are seasonal and not transient. Over the past years, the recreational vehicles have been getting bigger, so they wanted to increase the size of the individual campsites, but the government's maximum size is 400 s.f. for RV's. All the permitting has to be done right or the State of Ohio EPA will not issue a permit to use this property as a campground. The neighboring properties will not be impacted by approving this request. Mr. Young stated that the only potential change they see is the possibility of having to add another bath house on the west side of the property. It is their intention to install all the infrastructure, for the entire campground, at once and get that part completed.

Julie Walker was signed in but did not wish to speak. There was no one else present with standing who wished to testify.

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

Mrs. Grentzer 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. Michael – yes. The motion carried and the Board recessed at 6:57 pm.

Mr. Fetzer moved and Mr. Bauer 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. Michael – yes. The Board reconvened at 7:15 p.m.

The Chair asked Mrs. Harmsen to read the Findings of Fact for BZA Case #2018-019:

With regard to Case # BZA-2018-019, being a request or a Conditional Use to allow for a 154-site Recreational Camp in accordance with Section 3.1.10.C.ii and Section 4.2 for the property located at 1920 E. Bayshore 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 "Recreational Commercial" which is defined as areas that consist of developments that cater to recreation, camping, water recreation and tourism within the Township.
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 property is currently used for this and is just looking to renew their previous approvals.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses because the proposed recreational camp meets or exceeds all zoning requirements as stipulated in Section 4.2 for a recreational camp. Use of the property as a recreational camp is potentially less impactful than if it were developed to its full commercial capacity the "R-C" Recreational Commercial zoning would allow and certainly has more restrictive setback requirements for the recreational camp vs. the underlying "R-C" 10' side-yard setback.
4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole because the proposed recreational camp meets or exceeds all zoning requirements as stipulated in Section 4.2 for a recreational camp.
5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities to the site are available, including to some of the individual sites.
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 because the property has existing vehicular approaches adequate to servicing the site.

Mr. Bauer 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 that Decision Standards (1) (2) (3) weigh more heavily to show that:

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- a. The request is consistent with the Conditional Uses specifically mentioned in the "R-C" Recreational Commercial Zoning District and the intent and purpose of the zoning resolution; and
- b. The 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 accordingly **APPROVED WITH THE FOLLOWING CONDITIONS.**

- 1.) That, the landscaping along E. Bayshore Road continues to be maintained and is not disrupted.
- 2.) That, RV sales may continue to be permitted from the development site, but only on designated campsites, and not in the open space or parking areas of the property.
- 3.) That, no sheds shall ~~continue to~~ be located in the 20' buffer zone or any required property boundary setback.

Motion Seconded by: Mrs. Grentzer.

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

The Chair stated the case has been Approved with the Conditions as stated. The appellants may pick up their permits in the days following the next meeting on April 18, 2018.

Adjudication Hearing
Case BZA #2018-022
530 Cedar

Ms. Dale stated the applicant's attorney for this case contacted her earlier this evening and has requested that the hearing be tabled for one month until the April meeting. Mrs. Grentzer asked if John Coppeler was representing the Applicant and not Lakeside. Ms. Dale answered, that was correct. Ms. Roberts asked if that situation is a conflict of interest since Mr. Coppeler was here last month representing Lakeside in a similar matter. Ms. Dale stated that is not something for this Board to raise issue with or decide.

Signing of Decision Sheets

The Chair requested a motion for approval of the decision sheet for 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.**

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

The Chair requested a motion for approval of the decision sheet for 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.**

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

The Chair requested a motion for approval of the decision sheet for 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.**

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

Approval of February 21, 2018 Board of Zoning Appeals Meeting Minutes

Mr. Bauer made a motion to approve the February 21, 2018 meeting minutes, Mrs. Grentzer seconded. All were in favor and the motion carried.

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Old Business

There was none.

New Business

There was none.

Swearing-in of Member

Ms. Dale swore-in Sharon Michael as a Regular Member.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Adjournment

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

The meeting was adjourned at 7:29 pm.

Cheryl Harmsen
RECORDING SECRETARY

Laura Fetzer
B. Bauer
S. Michael
Sharon Pollock

BOARD OF ZONING APPEALS

0450

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DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held _____

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