

**RECORD OF PROCEEDINGS**  
**Danbury Township Board of Zoning Appeals**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

July 18,

2018

The Danbury Township Board of Zoning Appeals was called to order at 6:30 p.m. by Secretary, Loretta Grentzer, at the Danbury Township Hall. The Pledge of Allegiance was recited. The roll call showed the following members present: Mrs. Loretta Grentzer, Mr. Brad Bauer, and Ms. Sharon Michael. Ms. Sherry Roberts, Mr. Joe Fetzer and alternate Ms. Cathy Bertovich were excused. Also present were Kathryn Dale, Zoning & Planning Administrator. Visitors present were Peter Corrado and Michael J. Uhinck.

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

The Secretary asked Mrs. Dale 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.

Ms. Dale explained that the Chair & Vice-Chair were absent and Ms. Grentzer as the Secretary to the Board would be facilitating the meeting. Ms. Dale also explained that while there is quorum of the Board, the applicant has the option to ask for a continuance since the whole Board is not present. Whether there are five members present or three, an affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval, except in the event of a tie vote.

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

**Adjudication Hearing**  
**Case BZA #2018-117**  
**4919 E. Port Clinton Eastern Road**

**Request for an Area Variance from Section 3.1.1.D to allow for an addition that connects an existing house to an existing barn with a 12' east, side-yard setback where 20' is required. Michael "Joe" Uhinck, Owner/ Applicant.**

The Secretary 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 Ms. Michael 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 applicant is proposing to construct a 16' x 22' addition on to the east side of the house connecting to a pre-existing 40' x 48' detached barn. The barn was built in 2015 under an Agricultural Exemption for hay, poultry and farm equipment and was sited 12' from the east property line. By connecting the house to the barn it is viewed all as a principal building as (1) singular unit (like a house with attached garage) and thus subject to the principal building, underlying zoning district setback requirements. The applicant is proposing a 12' setback from the east property line where 20' is required. Ms. Dale reviewed the decision criteria the Board would be considering.

Applicant/Owner, Joe Uhinck, 4919 E. Port Clinton Eastern Road, Port Clinton, Ohio came forward and was sworn in. Mr. Uhinck reviewed the paperwork and stated it was as he submitted. Mr. Uhinck stated all the buildings are where they are on the property; the variance is just to connect the buildings and allow the setbacks as they are with the barn. There is room to add an addition without connecting the house with the barn and be able to maintain the 5' separation but it would greatly reduce the footprint of the addition they are looking at and raise the construction costs to finish the side of the addition as opposed to using part of the barn wall. He shared that they would like to have laundry room and mud room for their six children to drop shoes and clothes without trekking messes all through the house. Mr. Bauer asked if family owns property all around him and Mr. Uhinck stated they do.

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. Michael. 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: Ms. Michael – yes; Mr. Bauer – yes; Mrs. Grentzer – yes. The motion carried and the Board recessed at 6:40 pm.

Mrs. Grentzer moved and Mr. Bauer seconded the motion to reconvene. The roll call vote was as follows: Ms. Michael – yes; Mr. Bauer – yes; Mrs. Grentzer – yes. The Board reconvened at 6:50 p.m.

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The Chair asked Mrs. Dale to read the Findings of Fact for the Appeal request BZA Case #2018-117:

**With regard to BZA-2018-117 being a request for an Area Variance to Section 3.1.1.D to allow for an addition that connects an existing house to an existing barn with a 12' east, side-yard setback where 20' is required for the property located at 4919 E. Port Clinton Eastern Road:**

1. The property in question **will** yield a reasonable return or **can** be used beneficially without the variance because the property can continue to be used for a single-family home with an agriculturally exempt barn.
2. The variance request **is not** substantial because the building already exists, so there is no more adverse impact on adjacent properties. Additionally, the nearest structure is over 225' away from this structure.
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 for the same reason stated above in #2 and where the addition is proposed is in the interior of the lot and barely visible from any adjacent properties.
4. There is no indication the variance **would** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) since the property is currently serviced.
5. The property owners stated they **did not** purchase the property in 2005 with knowledge of the zoning restriction.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because otherwise the structures would always be disconnected and any connection would require a variance due to the location of the barn.
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. 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) (6) (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 Ms. Michael. Roll Call Vote was as follows: Ms. Michael – yes; Mr. Bauer – yes; Mrs. Grentzer – yes. Vote 3-0, the motion passed.

The Secretary stated the application has been Approved and the Board will sign the decision sheet tonight with the others instead of waiting a month.

**Signing of Decision Sheets**

The Chair requested a motion for approval of the decision sheets.

- a. **BZA-2018- 083 6657 E. Harbor Road.** Request for an Area Variance to Section 3.1.10.D to allow an addition and change the roof line which will result in a portion of the new roof to exceed the maximum 35' building height limit, 39' proposed. **Lee Short, Architect & Agent/ Greg Deerhake, Bass Haven North, Owner/Applicant.**
- b. **BZA-2018-084 402 & 416 S. Church Road.** Request for an Area Variance to Section 5.1.1.A.i to allow for a 40' x 75' (3,000s.f.) Detached Accessory Structure to exceed the allowable size. (2,000s.f. max allowed/ 4,908 cumulative proposed) **Dave & Marnie McAtee, Owner/Applicant.**

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- c. **BZA-2018-117 4919 E. Port Clinton Eastern Road.** Request for an Area Variance from Section 3.1.1.D to allow for an addition that connects an existing house to an existing barn with a 12' east, side-yard setback where 20' is required. **Michael "Joe" Uhinck, Owner/ Applicant.**

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

**Approval of June 20, 2018 Board of Zoning Appeals Meeting Minutes**

Mr. Bauer made a motion to approve the June 20, 2018 meeting minutes, Ms. Michael seconded. All were in favor and the motion carried.

**Old Business**

There was none.

**New Business**

There was none.

**Other Business**

There was none.

**Reports and Communications from Members and Staff**

There was none.

**Adjournment**

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

The meeting was adjourned at 6:56 pm.

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RECORDING SECRETARY

*Luella Hentzer*  
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*Paul Bauer*  
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*S. I. Michael*  
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