



## STAFF REPORT

Board of Zoning Appeals  
Meeting Date: September 18, 2019

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<b>Case #:</b>	BZA-2019-156	<b>Address:</b>	2497 Sundown Lane
<b>Owner:</b>	Takedown Investment, LLC	<b>Zoning:</b>	"R-C" Recreational Commercial
<b>Appellant/ Agent:</b>	Kenneth Hartman, In contract to purchase		
<b>Request:</b>	<b>Request for a Conditional Use in accordance with Section 3.1.10.C.iii. to allow for a two-family residence with Area Variances from Section 4.3.2.A minimum lot area (1 ac. required/ 12,767 s.f. proposed), Section 4.3.2.D front-yard setback (35' required/25' proposed) and Section 4.3.2.H open space (1,268s.f. required/ 0s.f. proposed).</b>		

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### SUMMARY:

The applicant would like to construct a 2-family duplex on a recently created lot. The lot was created and recorded in August 2017 once it was carved out of an existing manufactured home park property. In the general vicinity of this existing lot was a SF home that had been torn down due to the condition of the structure. The former boathouse/storage building to the east of this lot was also carved out of the existing manufactured home park property, placed on a lot of its own and ultimately converted into a SF home.

This property and the entire south side of Bayshore Road from South Beach Resort to Dempsey Landing is zoned "R-C" Recreational Commercial. Residential is allowed in this zoning district even though it is primarily a commercial district. There is a provision in the zoning resolution (Sec. 3.4) that substitutes and reduces setbacks for residential dwellings located in the "R-C" zoning district based on their utility services with one of the other residential zoning districts requirements; there is no reason a residential home should or would follow commercial setback standards that are typically 2 or 3 times greater. This same provision, however, does not allow staff to substitute the use of the property. In this specific case, if the applicant were to build a SF home, they could and would follow the "R-3" High Density Residential district requirements for a SF home. The "R-3" zoning district allows a two-family as a permitted use, but since this lot is zoned "R-C", we can only apply the setback requirements of the "R-3" district; not the uses.

Two-families and multi-family/condo's are listed as a Conditional Use in the "R-C" zoning district. When we refer to Section 4.3, the Conditional Use Standards for two-families and multi-family/condo units, the standards are intended for a large development with one or more acres. The requirements really are not conducive to addressing a singular duplex unit for this zoning district. As a result, the applicant needs 3 variances from Section 4.3, one for being under 1 acre in lot size, the second from the front-yard setback requirement and the last to eliminate the open space requirement since setbacks cannot be included in that calculation.

The applicant is essentially asking for relief from Section 4.3 and a substitution of use requirements that are applied. If the property were zoned "R-3", they could construct the duplex and all the setbacks would be met and a permit issued. The applicant hasn't been encourage to pursue a rezoning of the property at this time in part because this would be the only lot that would be zoned differently than all the other property around it. Additionally that process is roughly 4 months long. The BZA though can determine if applying the 4.3 Conditional Standards is too stringent and if the applicant meets or exceeds the setbacks established in the "R-3" zoning district are more appropriate or reasonable to apply.

The area is a high density area and a duplex would not be totally out of character. To the west is South Beach Resort with a hotel and 21 transient cabins. To the north is the 20 site Holiday Acres MHP. To the east are 2 small subdivisions totally 17 SF homes.

**ANALYSIS:**

Per Section 6.2 of the Zoning Resolution, the primary criteria that needs to be decided upon is whether the applicant has proven that the use will not be detrimental to the public health, safety, or general welfare of the Township or the neighborhood in which it is proposed and that all 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.

Both the Conditional Use and Duncan Standards need to be taken into consideration when deciding this request.

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff's review:

The Conditional Use will be harmonious with and in accordance with the general objectives of the Danbury Township Land Use Plan because the plan identifies this property a Neighborhood 3: High Density Residential. This area is typified by urban development consisting of detached single-family homes on smaller lots which may also include some multi-family and mixed-use type development. Typically narrow streets, some alley use, walkable and compact neighborhoods. The Land Use Plan also recommended changing the zoning classification on many of these residential neighborhoods from "R-C" to "R-3". Many residential neighborhoods were zoned "R-C" because they supported or were part of a marina development. The "R-C" classification puts residential neighborhoods as risk of having disturbing commercial activity next to residential homes within these subdivisions.

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 building design will be residential in character and the property adjoins a high-density, manufactured home park. The Conditional Use will not be hazardous or disturbing to existing or future neighboring uses or be detrimental to property in the immediate vicinity or to the community as a whole because the proposed structure meets the two-family requirements typically found for a singular duplex unit.

The Conditional Use will be served adequately by essential public facility and services because public utilities to the site are available and the property has existing vehicular approaches adequate to servicing the site.

The property in question will yield a reasonable return and can be used beneficially without the variance because the property can be used for any of the permitted uses listed in the "R-C" zoning district. Whether or not the request is substantial could be debated. On one hand, the use of the property is not entirely inappropriate and will meet or exceed the basic two-family requirements. On the other hand, if this is looked at as a full conditional use, requesting three variances related to lot size could be viewed as a substantial request.

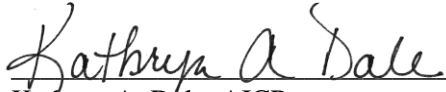
The essential character would not be substantially or detrimentally effected because again, the property adjoins a high-density, manufactured home park and seasonal, transient resort. There is no indication that delivery of governmental services would be adversely affected. The applicant states in their narrative statement that they are aware of the zoning restrictions within the Township.

Whether or not the applicant's predicament can be feasibly be obviated thru some method other than a variance once could say 'yes' by developing the lot with a permitted use. But in regards to the request at hand, variance would be needed in regards to Section 4.3 and the literal interpretation of the zoning resolution unless, the Board feels the use should be permitted in accordance with the "R-3" standards for a two-family, at which point, no variances are technically needed.

Whether or not the spirit and intent of the zoning resolution would be observed will have to be determined by the Board. The Board may want to refer to Section 1.4 of the zoning resolution which outlines the general purpose of zoning.

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SUBMITTED BY:

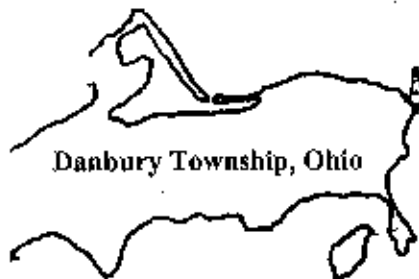


Kathryn A. Dale, AICP  
Danbury Township Zoning Inspector

*Date Prepared: September 5, 2019*

**List of Exhibits Enclosed:**

Exhibit 1:      BZA application  
                    Letter of Agency  
                    Appellant Response & Narrative  
                    Adjacent property owners' notification list  
                    Property site plans  
                    Photographs A-H  
                    Zoning Code Requirements



Danbury Township, Ohio



BOARD OF ZONING APPEALS APPLICATION

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

Date Filed: 8/29/19 Application #: 19-156
Action:
Rejected Permit: N/A Approved Permit:

1. Property Location: 2497 Sundown

Parcel ID# 0141122015004004 Zoning District: "R-C" Recreational Comm.

Attach Deed For Complete Property Legal Description

Existing Use Vacant Lot Proposed Use Two-Family/ Duplex

2. Agent Kenneth Hartman Address 5042 B Corbin Drive

City Bedford Heights State Ohio Zip 44128 Phone (216) 857-5638

Email: khartman@comforteqv.com

3. Appellant/ Owner Takedown Investments, LLC Address 125 Hilliard Drive

City Elyria State Ohio Zip 44035 Phone (216) 789-4182

Email: mike@century21deanna.com

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

4. Specific Request:

[X] Area Variance [ ] Use Variance [ ] Special Exception [X] Conditional Use [ ] Appeal

Chapter / Section Request for Conditional Use in accordance with Section 3.1.10.C.iii with Area Variances from Section 4.3 to allow for a two-family duplex.

Practical Difficulty: See Attached Narrative Statement

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

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.
- 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.*

*[Handwritten Signature]*  
(Agent's Signature)

8/29/19  
(Date)

\_\_\_\_\_  
(Appellant's Signature)

\_\_\_\_\_  
(Date)

Filing Fee (\$200.00) Legal Ad Fee \$ \_\_\_\_\_ Postage Fee \$ \_\_\_\_\_ Total Fees Paid \$ \_\_\_\_\_ Amount Invoiced \$ \_\_\_\_\_  
 Cash/ Check # 33725916 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: 9/18/19 BZA Application #: 19-156  
 Notice Sent to Newspaper: 8/29/19 Published: 9/6/19  
 Notice Sent to Neighboring Property Owners: 8/29/19  
 BZA Action:    Approved    Denied    Approved w/ Conditions    Vote: \_\_\_\_\_

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

**TAKEDOWN INVESTMENTS LLC**

125 Hilliard Road  
Elyria, Ohio 44035

**Letter of Agency**

August 29, 2019

Danbury Township  
Board of Zoning Appeals  
5972 E. Port Clinton Eastern Road  
Marblehead, Ohio 43440

To Whom It May Concern:

Please be advised that Kenneth Hartman, buyer in contract or his duly appointed representative, is hereby appointed as my representative, and may act and speak on our behalf for the Board of Zoning Appeals Hearing scheduled for September 18, 2019 in the matter related to BZA-2019- to request the necessary Conditional Use to construct a two-family duplex, located at my property at 2497 Sundown, Marblehead, Ohio 43440.

Sincerely,

Mike Deanna, Member  
Mike Deanna, Member  
Takedown Investments, LLC

8/28/19  
Date:

**NOTARY:**

Before me Notary Public in and for said County and State personally appeared the above named Mike Deanna, Takedown Investments, LLC, Member of 2497 Sundown, Marblehead, Ohio 43440, who did acknowledged before me the foregoing instrument and signing of this Letter of Agency and that the execution was his free and voluntary act and deed. In testimony whereof I have hereunto set my hand and affixed my official seal at

Port Clinton, Ohio, this 28<sup>th</sup> day of August, 2019

Nancy M. Bogner My Commission Expires: Nov. 20, 2020  
Notary Public



NANCY M. BOGNER  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 11-20-2020

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

**2497 Sundown  
Hartman**

### **Scope of Work:**

We would like to construct a two-family duplex at 2497 Sundown Ln, Marblehead Oh. 43440.

The proposed total structure footprint will be approx. 60' wide x 53' deep (3,1800 sq/ft.). Construction methods & appearance will be consistent with neighboring properties, so it will not have any detrimental impact. Our goal is to make the external appearance look like a single-family residence as much possible.

### **Conditional Use Decision Standards:**

1. The Conditional Use **(will)** be harmonious with and in accordance with the objectives of the Danbury Township land use plan because the proposed structure will be situated next to a commercial resort property as well as on the same street (Sundown Ln.) as well as an existing 22 site year -round mobile home park. This multi family structure will not have any negative impact on either of these properties.
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 external design will be consistent with other newly constructed water-front dwellings and will be an improvement that will enhance the overall ambiance of the area.
3. The Conditional Use **(will not)** be hazardous or disturbing to existing or future neighboring uses because the structure meets all the criteria for lot setbacks, ingress/egress, & parking as required under the Danbury Twp. regulations.
4. The Conditional Use **(will not)** be detrimental to property in the immediate vicinity or to the community as a whole because our goal is to make the external structure look like a single-family home in order to blend in with surrounding properties.
5. The Conditional Use **(will)** be served adequately by essential public facility and services because connections to Ottawa County Water & Sewer Service & Ohio Edison are already on the property.
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 lot is located at the end of a platted subdivision with a dedicated roadway that has 50'+ of unencumbered access to which will allow for the placement of a driveway in a location that is deemed most-appropriate.

**Area Variance Decision Standards:**

1. The property in question **(will not)** yield a reasonable return or **(cannot)** be used beneficially without the variance because the sales price of the lot would be 45% cost of construction based on the of the total square footage of the max. sized structure that will fit on the lot, so we are trying to reduce these costs by sharing it with two families.
2. The variance **(is)** substantial because it impacts total overall cost if two-family structure cannot be built
3. The essential character of the neighborhood **(would not)** be substantially altered by the variance and adjoining properties **(would not)** suffer a substantial detriment because of the variance because the external design will be consistent with other newly constructed water-front dwellings and will be an improvement that will enhance the overall ambiance of the area.
4. The variance **(would not)** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because the lot is located at the end of a platted subdivision with a dedicated roadway that has 50'++ of unencumbered access to which will allow for the placement of a driveway in a location that is deemed most-appropriate.
5. The property owner **(did)** purchase the property with knowledge of the zoning restriction because the property is unique, and we feel our proposal will be an improvement to the surrounding area.
6. The property owner's predicament **(cannot)** feasibly be obviated through some method other than a variance because there is some gray area in the RC / R-3 classification of the zoning code.
7. The spirit and intent behind the zoning requirement **(would)** be observed and substantial justice done by granting the variance because it would allow 2 families who have vacationed seasonally in the Danbury Township/ Marblehead area for 20+ years to construct a residence that will enable our families to continue to visit the area for another 20 years.
8. Other relevant factors, if any, considered include that we are very cognizant of how this multi-family structure will look and we do not feel it negatively impacts to the neighboring properties as they are currently of in the future.



**Property owners contiguous to 2497 Sundown Ln, Marblehead Oh. 43440**

**PARCEL LOCATION: 2500 SUNDOWN**

PARCEL ID: 0141122015004003

RANDALL JAMES A & JODI L  
5198 TOWNSEND RD  
RICHFIELD OH 44286

**PARCEL LOCATION: 8696 BAYSHORE**

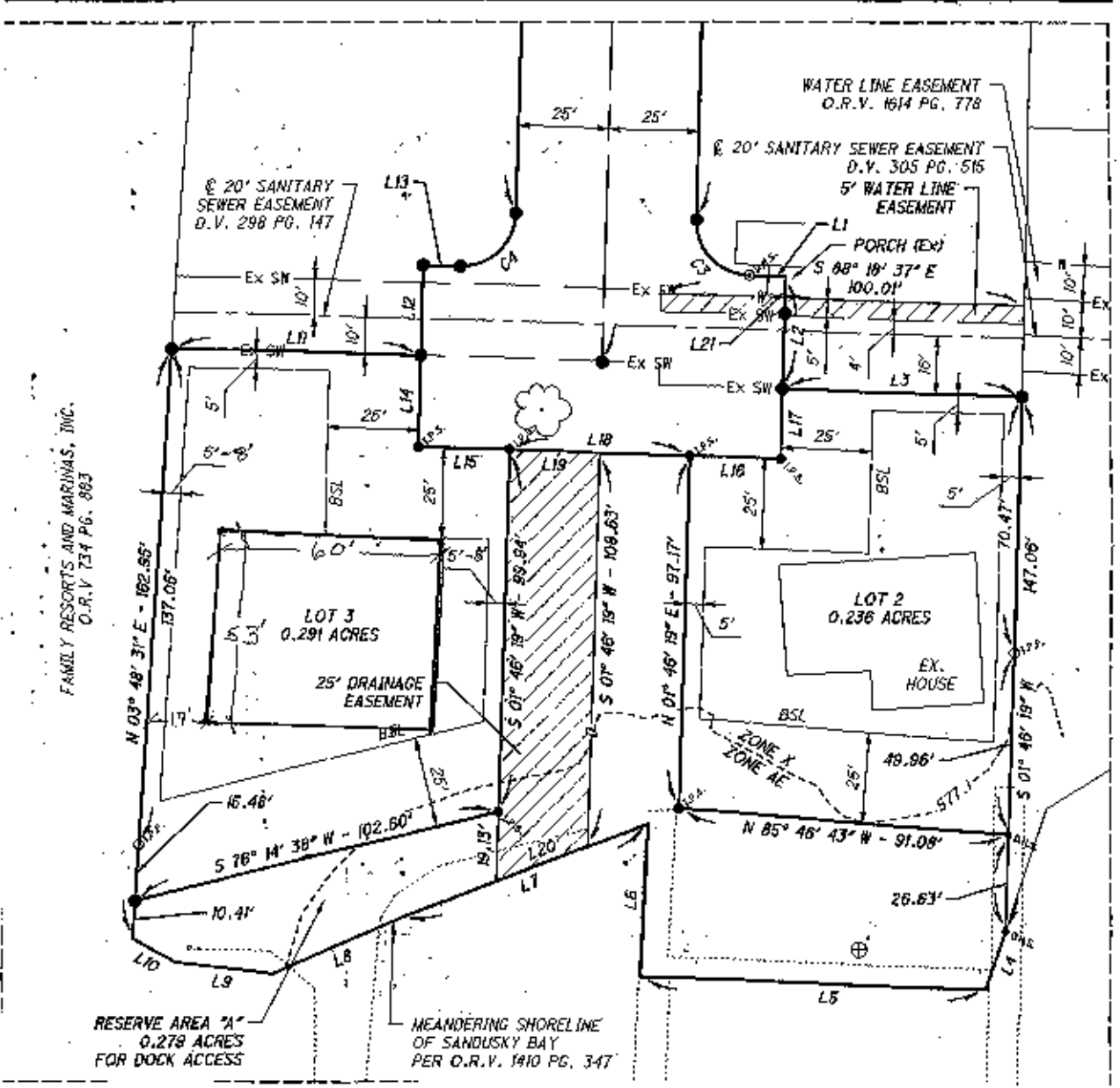
PARCEL ID: 0141122015004000

HAMHOC LLC  
125 HILLIARD RD  
ELYRIA OH 44035

**PARCEL LOCATION: 8620 E BAYSHORE**

PARCEL ID: 0141122315009000

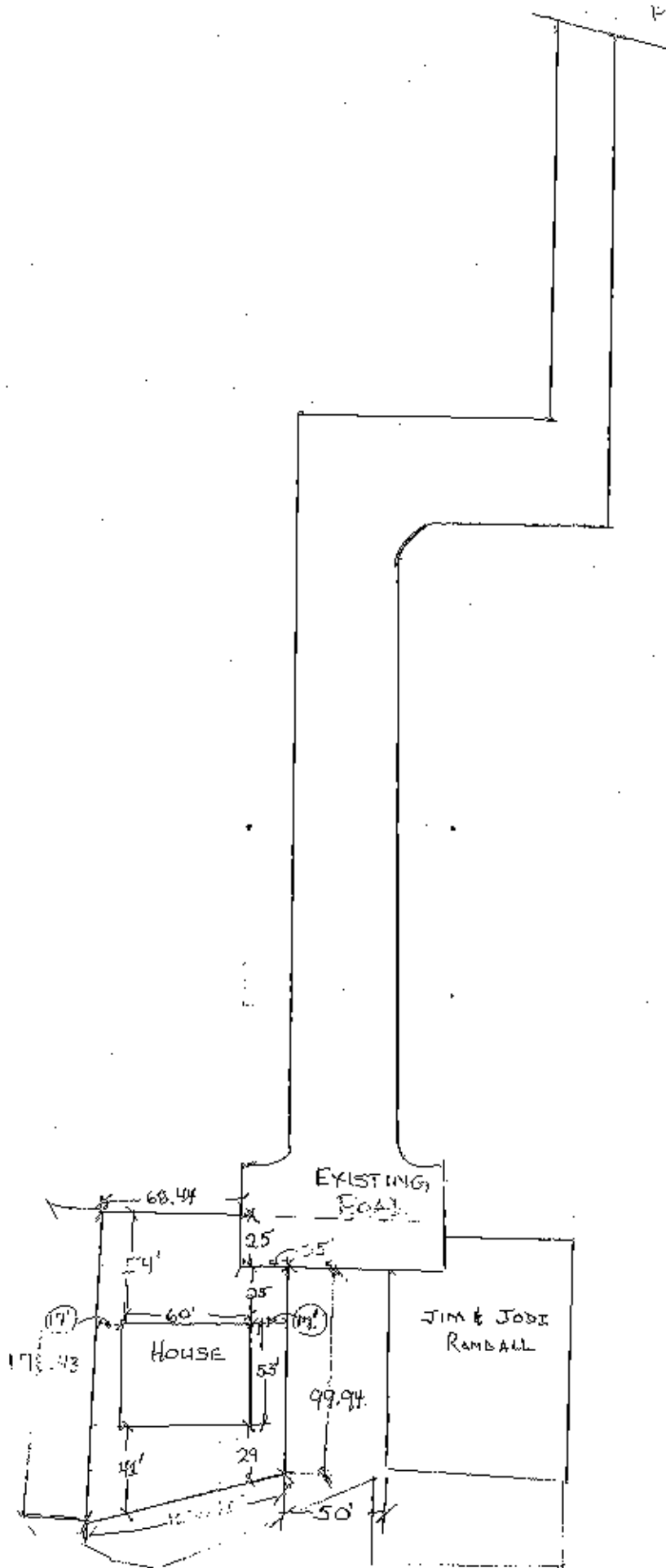
FAMILY RESORTS & MARINA INC  
8620 E BAYSHORE RD  
LKSD-MBHD OH 43440-9719



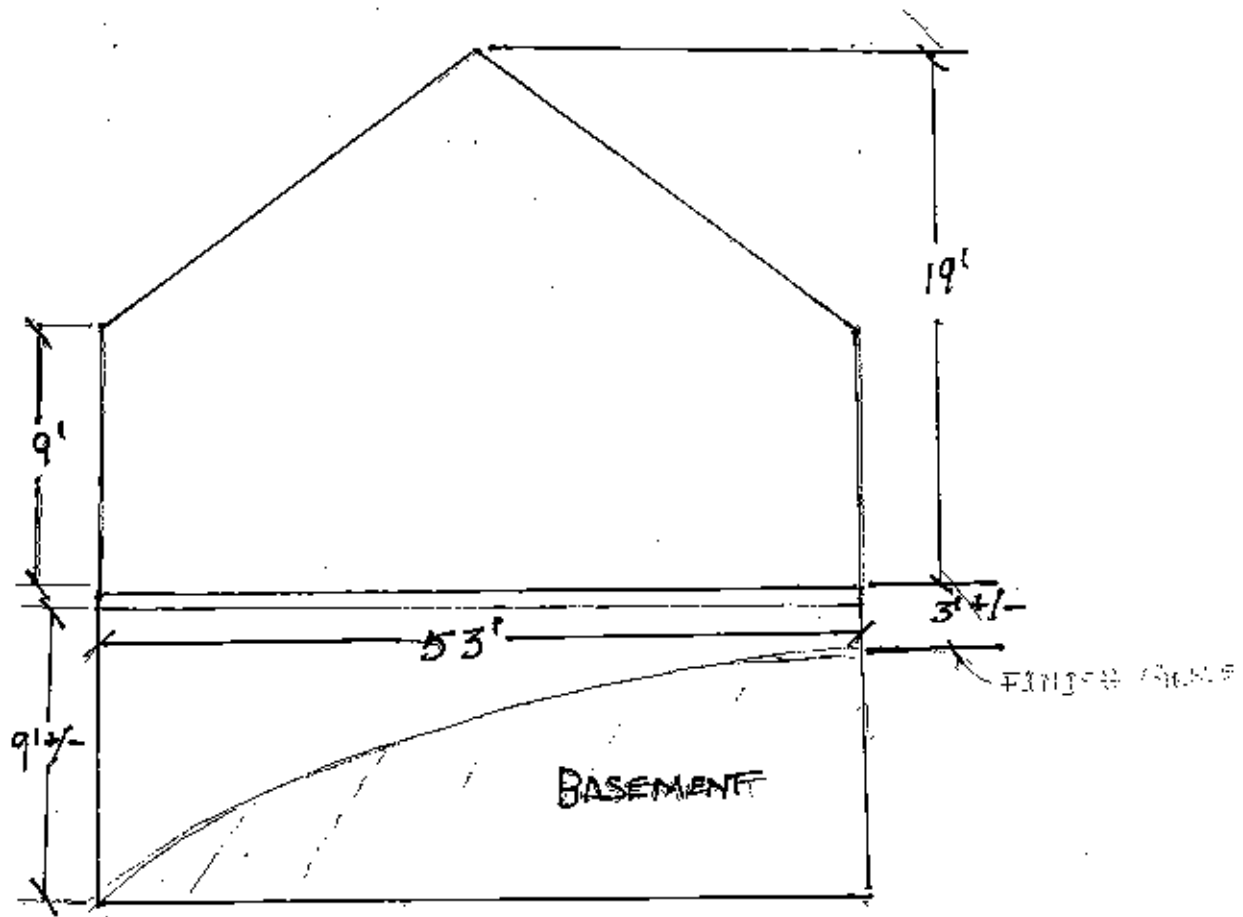
FAMILY RESORTS AND MARINAS, INC.  
 O.R.V. 734 PG. 883

SCALE  
 1" = 30'



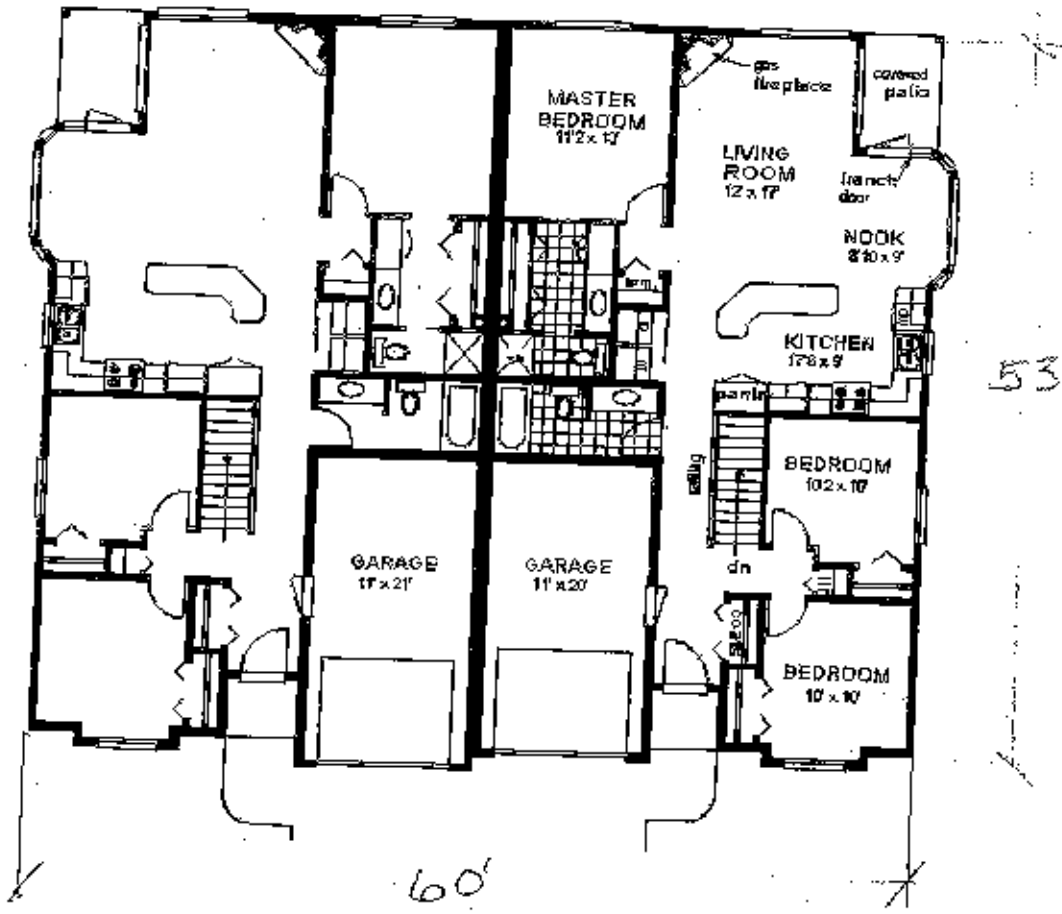


173.43'



2497 SUNDOWN LANE  
LOT 3

N →  
NO SCALE



2497 SUNDOWN LANE  
LOT 3



2497 SUNDOWN LANE  
LOT 3

A





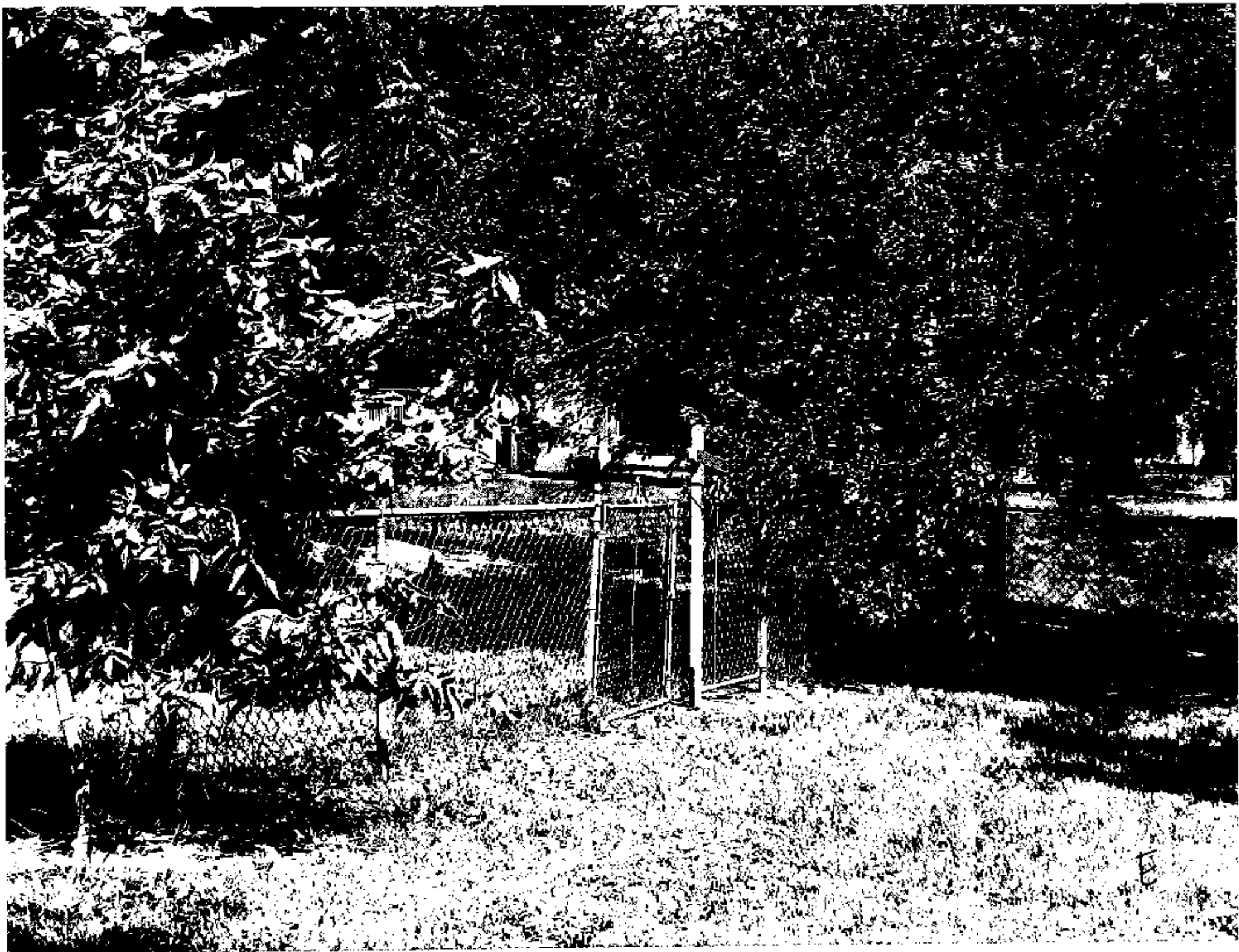
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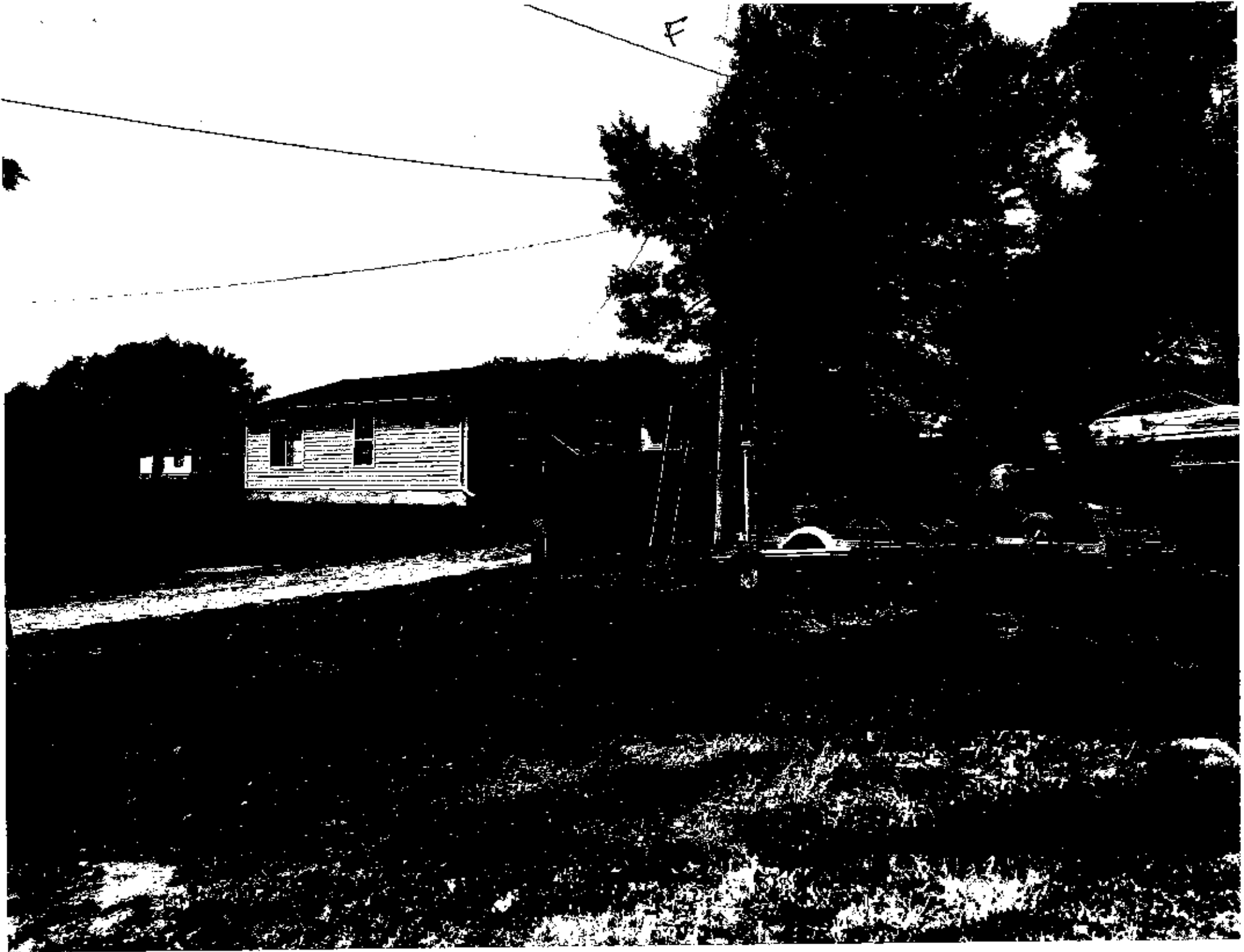


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G





The purpose of the Recreational Commercial district is to provide for the development of commercial activities related to the recreational nature of the area.

**U** **User Note:** For uses listed in bold blue, refer to Article 4 for use-specific standards

- i. Agriculture<sup>EQ</sup>
- ii. One-family dwellings<sup>EQ</sup> including **manufactured homes<sup>EQ</sup> §4.1**
- iii. Roadside stands<sup>EQ</sup> for the sale of agricultural and related products
- iv. Public parks<sup>EQ</sup> and playgrounds
- v. Hotels, motels<sup>EQ</sup>
- vi. Marinas<sup>EQ</sup>, boat launching, docking facilities
- vii. Storage areas<sup>EQ</sup>, repair, services and sales provided maintenance is kept in an orderly fashion
- viii. Beaches<sup>EQ</sup>, commercial swimming pools<sup>EQ</sup>
- ix. Grocery stores<sup>EQ</sup>
- x. Automotive service stations<sup>EQ</sup>
- xi. Fishing, private or commercial and related businesses<sup>EQ</sup>
- xii. Golf driving range<sup>EQ</sup>, miniature golf,<sup>EQ</sup> golf courses<sup>EQ</sup>
- xiii. Riding stables<sup>EQ</sup>
- xiv. Public community facilities<sup>EQ</sup>
- xv. Restaurants<sup>EQ</sup>
- xvi. Neighborhood businesses<sup>EQ</sup>
- xvii. Historic sites<sup>EQ</sup>
- xviii. Accessory buildings and uses<sup>EQ</sup>
- xix. Personal Services<sup>EQ</sup>
- xx. Recreation facility, commercial<sup>EQ</sup> or private<sup>EQ</sup>
- xxi. Recreation Facility, Indoor
- xxii. Bar, saloon, tavern/night club<sup>EQ</sup>
- xxiii. Cemetery<sup>EQ</sup>
- xxiv. Government Buildings<sup>EQ</sup> and uses
- xxv. Home Occupation<sup>EQ</sup> §4.19
- xxvi. Temporary building/structure/use<sup>EQ</sup> §4.21
- xxvii. Schools<sup>EQ</sup>, public or private
- xxviii. Child day-care centers<sup>EQ</sup> (in non-residential neighborhood or subdivision) §4.10

- i. Flea markets<sup>EQ</sup> §4.18
- ii. Recreational Camp<sup>EQ</sup> §4.2
- iii. Two<sup>EQ</sup> and multi-family dwellings<sup>EQ</sup> including condominiums<sup>EQ</sup> §4.3
- iv. Limited home-based business<sup>EQ</sup> §4.19
- v. Resort<sup>EQ</sup> §4.4
- vi. Clubs<sup>EQ</sup> §4.8
- vii. Commercial amusement enterprises<sup>EQ</sup> §4.16
- viii. Bed and breakfast Inn<sup>EQ</sup> §4.5
- ix. Child day-care centers<sup>EQ</sup> (in residential neighborhood & subdivisions) §4.10
- x. Recreation facility, outdoor §4.20



**DEVELOPMENT STANDARDS**

**Lot Size**  
 Minimum lot area<sup>(a)</sup>: Not specified  
 Minimum lot width<sup>(a)</sup>: Not specified  
 Minimum lot depth<sup>(a)</sup>: 120 ft (for residential)

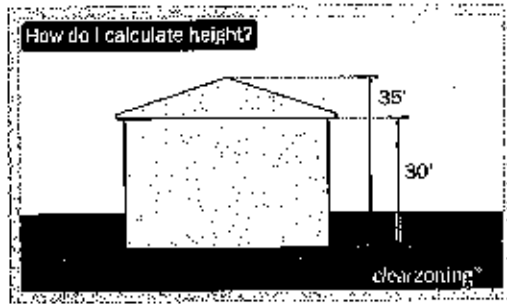
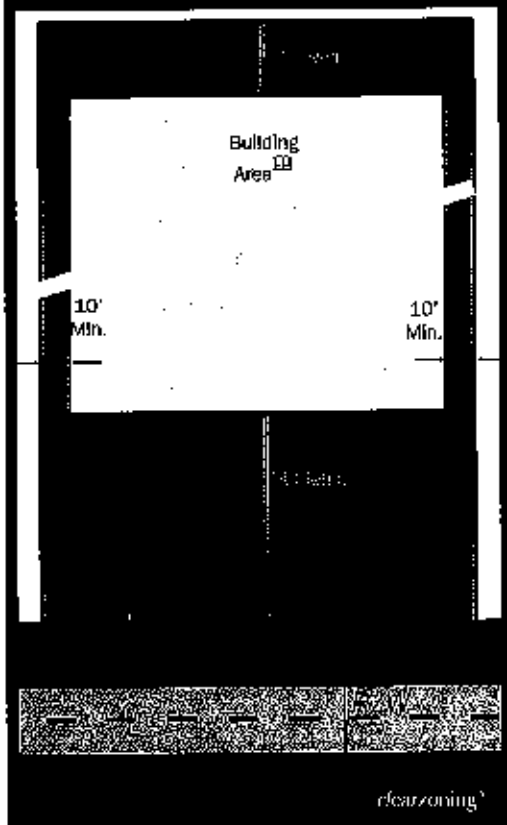
**Lot Coverage<sup>(a)</sup>**  
 Maximum lot coverage: 60%

**Setbacks<sup>(a)</sup>**  
 Minimum front yard setback: 70 ft  
 Minimum rear yard setback: 25 ft  
 Minimum side yard setback: 10 ft

**Building Height<sup>(a)</sup>**  
 Maximum building height: 35 ft and  
 30 ft to the eaves

**Building Width<sup>(a)</sup>**  
 Minimum building width: 20 ft (for residential)

- NOTES**
- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
  - See *Selected References* below for applicability



The above drawings are not to scale.

**DEVELOPMENT PROCEDURES**

- 3. Zoning Districts**
- Floor Area Requirements for Residential Dwellings
  - Lot Area, Lot Width and Building Setbacks for Dwellings in the C-1, C-2 and R-C Districts
  - General Regulations Applicable to All Districts

- 5. Site Standards**
- Accessory Buildings and Uses<sup>(a)</sup>
  - Automobile Parking Requirements
  - Off-Street Truck Loading
  - Front Yard<sup>(a)</sup> Requirements
  - Signs<sup>(a)</sup>
  - Fences<sup>(a)</sup>
  - Corner Clearance
  - Swimming Pools<sup>(a)</sup>

- 6. Development Procedures**
- Zoning Certificate/Permit Approval
  - Conditional Zoning Certificate

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement





**MINIMUM FLOOR AREA**

1. The location and boundaries of the Districts shall be shown on the map entitled, "Danbury Township Zoning Plan, 1975", as amended. A certified copy of this map is on file in the office of the Board of Danbury Trustees, and said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.
2. Where there is uncertainty as to the boundaries of any of the Districts shown on the aforesaid map, the following shall apply:
  - A. The District boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, watercourse or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way.
  - B. Where boundaries appear to approximately follow such aforesaid lines and are not more than ten (10) feet distant therefrom, such lines shall be construed to be the boundary unless specifically shown otherwise.
  - C. All submerged lands (below low water datum, which is 568.6 feet) are a part of that District to which their abutting natural above-water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above-water property. Two (2) adjacent districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line.

**MINIMUM FLOOR AREA FOR DWELLINGS**

The following table establishes the minimum floor area for dwellings in square feet. The calculation of floor area shall include only those areas used for living purposes; garages, carports, patios, and other such areas shall be excluded from said calculation:

District	Front Yard	Side Yard	Back Yard	Minimum Floor Area
A	1,200	950	900	1,200
R-1	1,200	950	900	1,000
R-2	1,000	950	900	1,000
R-3	800	600	600	BZA*
L	600	600	600	600
C-1	800	600	600	BZA*
C-2	800	600	600	BZA*
R-C	600	600	600	BZA*

BZA\* Board of Zoning Appeals, within conditional use procedure, shall establish the minimum.

**MINIMUM BUILDING WIDTH FOR DWELLINGS**

For all dwellings in the C-1, C-2 or R-C districts, the following shall apply:

1. Without community water supply or community sanitary sewer treatment systems, the "R-1" requirements shall apply.
2. With community water supply or community sanitary sewer treatment systems, the "R-2" requirements shall apply.
3. With both community water supply and community sanitary sewer treatment systems, the "R-3" requirements shall apply.
4. Building Width for residential purposes is 20 feet

**MINIMUM BUILDING HEIGHT**

1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
2. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height and bulk limit herein established for the district in which the building is located, except that



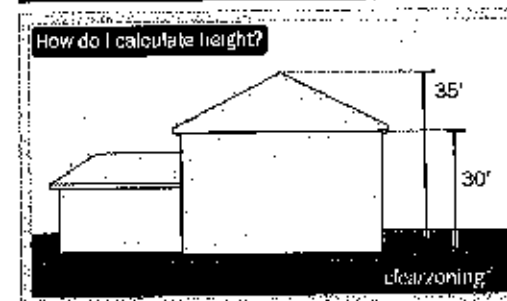
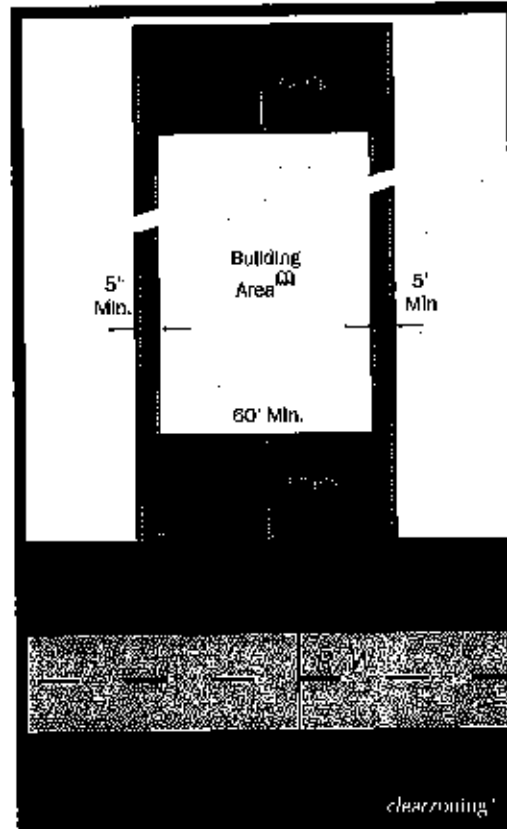
# R-3 High Density Residential

3.1.4

<b>Lot Size</b>	
Minimum lot area <sup>6A</sup> :	7,200 sq ft - one family 8,400 sq ft - two family
Minimum lot width <sup>6A</sup> :	60 ft - one family 70 ft - two family
Minimum lot depth <sup>6A</sup> :	120 ft (for residential)
<b>Lot Coverage<sup>6A</sup></b>	
Maximum lot coverage:	40%
<b>Setbacks<sup>6A</sup></b>	
Minimum front yard setback:	25 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	5 ft - one family 8 ft - two family
<b>Building Height<sup>6A</sup></b>	
Maximum building height:	35 ft and 30 ft to the eaves
<b>Building Width<sup>6A</sup></b>	
Minimum building width:	20 ft

**NOTES**

- The illustration in the upper right shows standards for one-family residential.
- Required dimensions are subject to the provisions of approved utilities by the Board of Health and the Ottawa County Subdivision Regulations.
- Dimensions for Multiple Family Dwellings are decided by Board of Zoning Appeals upon submission of detailed plans.
- See *Selected References* below for applicability



The above drawings are not to scale.

**3. Zoning Districts:**

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development<sup>6A</sup>
- General Regulations Applicable to All Districts

**5. Site Standards**

- Accessory Buildings and Uses
- Automobile Parking Requirements
- Front Yard<sup>6A</sup> Requirements
- Signs<sup>6A</sup>
- Fences<sup>6A</sup>
- Corner Clearance
- Swimming Pools<sup>6A</sup>

- Storage of Boats and Trailers

**6. Development Procedures**

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate

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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



1. An application for a conditional use must be filed with the Board of Zoning Appeals including plans of the proposed condominium/multi-family housing development and a fee as established by the Board of Township Trustees. The requirements of Section 6.1.3.C of this resolution shall be met.

2. **Condominium/Multi-Family Housing Development Requirements** All condominium/multi-family housing developments shall meet the following requirements:

A. **Condominium/Multi-Family Housing Variance Development Lot Area.** Minimum area of Needed. not less than 1 acre per condominium/Lot contains multi-family housing development/12,767s.f. condominium declaration is required. The R-3 req's minimum lot area per dwelling shall be 8,400 for a two-family, the first unit and six thousand (6,000) square feet for each additional unit in the "R-3", "C-1", "C-2" and "R-C" districts and twelve thousand (12,000) square feet for each additional unit in the "R-2" district for each condominium/multi-family housing development/condominium declaration. Measurements of lot area shall be made to the street right-of-way line, and to the low water mark in cases where the lot fronts on Lake Erie or Sandusky Bay.

B. **Lot Width and Depth.** Condominium/multi-family housing developments shall have a minimum lot width of one hundred feet and a minimum depth of one hundred and twenty-five (25) feet. Rates of width to depth shall not exceed one to five (1:5).

C. **Existing Lot of Record.** A condominium/multi-family housing development may be permitted on a lot of less area or width which was recorded at the time of the adoption of this Resolution, as amended, and the owner thereof owns no adjoining land, provided the lot area per unit is complied with.

D. **Yard.** There shall be a required front yard of not less than thirty-five (35) feet, except as provided in Article 5, Section 5.4. There shall be a required side yard of not less than ten (10) feet. There shall be a required rear yard of not less than twenty-five (25) feet.

E. **Building Separation.** Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one (1) building to the nearest point of the adjacent building. N/A

F. **Dwelling Size.** The stated minimum floor area shall be provided as specified. No dwelling shall have a livable ground floor area which totals less than the number of square feet indicated:

Dwelling Type	Minimum Floor Area	Minimum Floor Area
One	1,000 sq ft	800 sq ft
One and One Half	950 sq ft on 1st floor	720 sq ft on 1st floor
Two	900 sq ft per floor	550 sq ft per floor
Split Level	1,000 sq ft above grade	950 sq ft above grade

G. **Building Height.** The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves. The maximum pitch from the thirty (30) foot point to the peak shall not exceed an 8:12 pitch.

H. **Open Space.** A minimum of ten (10) percent of all land included in the development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include submerged lands or required parking areas. 1,268 s.f. req'd under R-3 zoning.

I. **Parking Requirements.** Each dwelling must be provided with two (2) parking spaces. All other requirements of Article 5 shall be met. 4 spaces req'd

J. **Trash Receptacles.** An area of land shall be set aside for the purpose of trash and garbage receptacles. Such receptacle area shall be properly screened and maintained.



N/A K. **Alternate Vehicle Storage.** An area or building shall be set aside for the storage of bicycles, mopeds, snowmobiles, and other alternate vehicles excluding boats. If located outside a building, such area shall be properly screened and maintained.

N/A L. **Streets.** Streets and driveways on the site will be adequate to serve the residents and suitable to accommodate the anticipated traffic within and through the development including access by emergency and fire vehicles. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking area and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce traffic congestion and promote pedestrian and vehicular safety.

**THE FOLLOWING REQUIREMENTS SHALL BE MET:**

- The following requirements shall be met:
1. **Setbacks.** There shall be a required front yard setback of fifty-five (55) feet, a required side yard of forty-five (45) feet, and a required rear yard setback of fifty-five (55) feet. The setback area to be totally open except for plantings and trees.
  2. **Parking.** Each unit used for lodging purposes shall be provided with two (2) parking spaces. Other uses shall meet the requirements of Article 5, Sections 5.2 and 5.3.
  3. **Density.** The maximum number of cabins, cottages, recreational vehicles and the like per acre for the resort shall not exceed five (5).
  4. **Open Space.** Twenty-five (25%) percent of the gross land area involved in the resort shall be set aside as open space. Yards, submerged land, and streets shall not be included.
  5. **Minimum Acreage.** A minimum of 5 acres shall be included in each resort.
  6. **Development.** The resort may be developed using a variety of housing types intended for transients. Maximum building height shall be thirty-five (35) feet and each cottage/cabin must contain 600 square feet of ground floor area for the first floor.
  7. **Building Separation.** Buildings designed for living purposes shall be separated from each other by a minimum distance of twenty (20) feet. This measurement shall be from the nearest point of one building to the nearest point of the adjacent building.

**THE FOLLOWING CONDITIONS SHALL BE MET FOR ALL BED AND BREAKFAST INNS:**

The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in its definition in Article 2.

1. The Inn must be owner occupied; it must be the principal residence of the owner and be occupied by the owner.
2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
3. No more than four (4) rooms shall be offered for rent.
4. Each room rented shall contain a minimum of one hundred (100) 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 (1) on-site parking space per room offered for rent and two (2) 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 (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

**CONTINUING CARE RETIREMENT COMMUNITY DEVELOPMENT REQUIREMENTS:**

1. An application for a conditional use must be filed with the Board of Zoning Appeals including plan for the proposed continuing care retirement community and a fee as established by the Board of Township Trustees.
2. **Continuing Care Retirement Community Requirements:**
  - A. **Setbacks.** There shall be a required front yard setback of fifty (50) feet, a required side yard setback of forty (40) feet, and a required rear yard setback of forty (40) feet.
  - B. **Parking.** One (1) parking space for each dwelling unit and for each three (3) beds in nursing home facilities, and one (1) parking space for each eight hundred (800) square feet of floor area of buildings not containing dwelling units or not containing nursing home facilities.

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