

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 1, 2019

The Danbury Township Zoning Commission Special Meeting was called to order at 6:30 p.m. at the Danbury Township Meeting Room by Vice-Chair, Michael Brown. The pledge of allegiance was recited and the roll call showed the following present: Mr. Michael Brown, Mr. Richard Kracer, Mr. Vito Kaminkas, Mr. Robert Strauss, Alternate, Ms. Susan Dress and Alternate, Mr. Jack McGrew. Ms. Jodi Kopanski was excused. Also present was Kathryn Dale, Zoning and Planning Administrator. Visitors present were Tom & Christine Steinbrick, Cole Steinbrick, Tim Sisson and Dave Murphy.

**Approval of the June 5, 2019 Minutes**

Mr. Kracer made a motion to approve the minutes for the June 5, 2019 meeting. Mr. Strauss seconded the motion. All Ayes. The motion carried.

**Public Hearing**

The Vice-Chair reviewed the procedures for the meeting and announced the application before the Commission this evening is a map amendment request. This Commission is a recommending body to the Board of Trustees. Staff will review what hearings have taken place regarding the application, but essentially this is the 2<sup>nd</sup> hearing of a 3-hearing process. Following our hearing this evening, our recommendations will be forwarded onto the Township Board of Trustees at their next regular meeting. Upon receipt of our action, the Trustees will establish when they will schedule a public hearing on these applications. All notifications for our hearings are published in the Port Clinton News Herald 10 days prior to the hearing. Notice was also sent to adjoin property owners. Final action to approve or deny is made by the Board of Trustees. The Vice-Chair asked Mrs. Dale to introduce the first case of the evening.

**ZC-2019-080**

**5910 E. Port Clinton Eastern Road  
The Spare Attic**

**Request for a Map Amendment from “A” Agricultural to “C-2” General Commercial for part of PIN# 0140838328384000 (Sec. 4, Lot 14 Firelands Survey) consisting of approximately 2.57 total acres out of 17.45, located at 5910 E. Port Clinton Eastern Road (Spare Attic). Tom & Christine Steinbrick, Owner/Applicant.**

The Vice-Chair asked if there was any member who would have a conflict and wished to abstain. There were none. The Vice-Chair asked for a motion to open the public hearing. Mr. Strauss made the motion, Mr. Kracer seconded the motion. All were in favor and the motion carried.

The Vice-Chair asked Ms. Dale the Zoning Administrator, to give the Commission an overview of this application.

Ms. Dale stated the owner is requesting to rezone 2.57 acres of land from “A” Agricultural to “C-2” General Commercial. The property contains a total of approximately 17.45 acres which contains a single-family home, equestrian farm and 5; 30’ x 90’ mini-warehouse storage buildings. Mr. & Mrs. Tom Steinbrick acquired the property in 1995. It originally contained approximately 30 acres, but was subsequently split with some of the land going to the Township, and their son to build a home on. The property, even though it is one parcel, has two PIN#’s; 0140838328384000 (1ac.) and 0140838328384AGR (16.45ac.). The 1 ac. tract is currently classified by the County Auditor as “C-Commercial Warehouses” and the 16.45 ac. tract as “A-Cash Grain or General Farm Agricultural” for tax purposes. The property is zoned “A” Agricultural and has been since zoning was enacted in 1975.

In 1995 an application for a Conditional Use was filed for the mini-warehouse storage units (Case # BZA-95-031). The application indicated 10 acres was to be used for 32 storage buildings, however, the entire plan was not built to full fruition. Only 5 structures were built on approximately 1 acre, and the last permit to be issued was in 2002. The Conditional Use for any further construction for this use has since expired. In May of 2007 the zoning resolution removed Storage Area’s as a Conditional Use in the “A” Agricultural District, which then made the property a legal non-conforming use.

Should the rezoning be approved, mini-warehousing is listed as a permitted use in the proposed “C-2” General Commercial zoning district, which would allow them to then add approximately 5 additional structures in the future.

Ms. Dale shared the surround zoning districts and uses of property. The Danbury Township Land Use Plan was updated and adopted in 2017. The Land Use Plan & Map looked at the existing character of areas within the Township that have specific elements that define part of the physical environment. The characteristics used included: lot size, lot coverage, land use based on tax classification, density, street pattern and connectivity and building design. This particular property was identified as “Rural Development” which includes characteristics with low density and in general typify a rural use such as agriculture or related industry and should be conserved or protected as much

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as possible. Uses deemed as appropriate for this designation were SF homes, Civic uses and Neighborhood Commercial.

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on May 31, 2019 and held a hearing on June 18, 2019. Enclosed in their packets was OCRPC's decision letter recommending Approval as Presented.

Mr. Tom Steinbrick, Owner, 5910 E. Port Clinton Eastern Road came forward and stated he & his wife Christine are wanting to split the mini-storage lot from the rest of the farm. He said they do not have enough frontage to do it if both properties are zoned "A" Agricultural. He stated they would need 150' of frontage for each and they only have 255' available. If it was rezoned to "C-2" General Commercial, they could do 100' of frontage for the mini-storage and leave them with 155' for the farm. Mr. Steinbrick said the other 150' of frontage was split up a few years ago and now goes to his son's house. He said they are downsizing the project from 10 acres to 2.57 acres and 10 buildings instead of the originally planned 32 buildings. He said they have outside storage yet from the Spare Attic mini-storage to back by the barn, 1,045' back off the road where we kept all the [taxi] cabs. In the last month we have sold the cab business and if we get this rezoned, then there won't be any outside storage back by the barn, it will just be the front 2.57 acres.

There were no further questions from the Commission of the applicant.

Mr. David Murphy, 301 Main Street, Marblehead, owner of Lot 3 in the Nesting Subdivision came forward and stated his concern is the severe drainage problem in general in this area. He said many of the owners to the west added a ditch the full length of their back yards, everyone pitched in and it was roughly about \$8,000. Mr. Murphy stated his concern is with the potential added buildings... When the conditional use permit was done back in 1995, there were some stipulations as to a water management plan, which was done, the plan was done and Mr. Murphy stated he had a copy of it with him, but plan basically said, the engineering study "*the existing project consists of flat farmland with very poor drainage*". Mr. Murphy said they (the applicants) had some plans to put possibly a containment pond. Mr. Strauss confirmed he meant a retention pond. Mr. Murphy stated yes. He said the plan then says they were going to send the water to the east, consequently none of that was ever done. It's just an ongoing problem and he doesn't think adding buildings, but if it's commercial, you can have a whole list of uses that doesn't even necessarily include buildings, and he's just concerned about the severe water problem here. He stated there is literally a marsh on Mr. Blair's property, so much so that there are cattails growing. Mr. Murphy said he's not so concerned about additional buildings, but more so how they will address the drainage issues because it will have to be upgraded.

Ms. Dress asked Mr. Murphy to point out on the vicinity map where his property is located in relation to the request. Mr. Murphy came forward and pointed it out to her from the map in her packet. Mr. Strauss asked if the lot is accessible from Deer Run Trail. Mr. Murphy said yes. Mr. Strauss asked if they ran the new ditch along the rear property lines. Mr. Murphy stated yes and they kept it all on their own properties and it drains north to Port Clinton Eastern Road and the ditch that runs along there. Mr. Kaminskas asked if it works. Mr. Murphy said it tries, it definitely helped.

Mr. Kaminskas asked for clarification on what is being asked to be rezoned, if it was all the storage buildings or just the vacant farmland at the rear of the existing storage buildings. Ms. Dale said the whole thing, including the 5 existing storage buildings. Mr. Kaminskas asked that the 5 existing buildings are grandfathered as Agricultural. Ms. Dale reiterated the history of how the buildings became to be and the text amendment to the zoning code in 2007, as she shared in her staff report at the beginning of the hearing. Mr. Kaminskas asked if the 5 existing buildings are fine. Ms. Dale stated that the 5 buildings could remain as they are and as they are zoned because they are grandfathered in, but the applicant's would not be allowed to add anymore buildings under the current zoning designation. Mr. Kaminskas asked if the plan is to add more buildings. Mr. Steinbrick stated they may, but way out in the future. Right now they just want to be able to split it off. Mr. Kaminskas asked if this is a long-term plan, why are they pursuing this now? Mr. Steinbrick stated it is for financial reasons per the request of the bank, they want it split off from the rest of the farm because they are in the process of buying another business here in Danbury Township and the bank wants it split up. Mr. Steinbrick said the only way he can split it is to go to "C-2" because he doesn't have enough frontage to leave it as "A" Agricultural.

Mr. Steinbrick stated that as far as addressing the water and drainage issue, the water and the field has always drained to the west, even before they put mini-storage buildings up. As we put each building in, we raised them 6 inches higher each time so the water would drain towards the front or north. Mr. Steinbrick stated there would be no more impact with 5 more buildings than they would have with open farmland, there would still be the same amount of water. If they build more buildings, it would come to the front. Mr. Steinbrick said there has always been a ditch on the west side of his property because the field always drained that way. He said Mr. Fleenor tried to dike up the ditch once to prevent the field from draining, which he wasn't allowed to do and the subdivision had to

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clean that back out. Mr. Kaminskas said he thinks he understands now, basically they have no plans to put anything in there. Mr. Steinbrick said no, but being that they are asking to rezone it, it will make the front 5 buildings conform and legal, and we went and talked to Ms. Dale to talk about adding enough land where we can add 5 more buildings and that would be it. He reiterated that they would be downsizing their original plan from 32 buildings to 10 and there would be no more outside storage back by the barn.

Ms. Dress asked Mr. Murphy if the study he quoted from, did it blame the drainage issues on the storage buildings. Mr. Murphy said no, it was a study as to what they found and what they proposed to fix it. Mr. Strauss asked what the date was of the study. Mr. Murphy said it was a 25 yr. plan done back in 1995. Mr. Murphy said that the BZA had 5 stipulations as part of their approval for the conditional use and the buildings. He read those conditions, the last being that *“a Stormwater Management Plan shall be designed by a professional engineer to control stormwater runoff for at least a 25 year period. A copy shall be submitted to the Board of Zoning Appeals”*. Mr. Murphy said the other document he was referring too was the study they had done. Ms. Dress asked who “they” is. Mr. Steinbrick said they had Prossor and Associates prepare it. Mr. Murphy said yes, that was the name on the outside of the study. Ms. Dress asked Mr. Steinbrick what steps they took to comply with that condition. Mr. Steinbrick said that all the buildings were raised the elevations 6” higher as they were installed southward so the water would run north. Mr. Murphy said he didn’t believe it does. Mr. Steinbrick said the storage area does, but the farm field does not, but it never has.

Mr. Brown stated he is a little confused because the study from 1995 is referring to 32 buildings, which not all were built, but we’re only talking about 5 buildings that ever went in. Mr. Brown said he could see why such a plan would have been required for 32 buildings, but what has really changed with only 5 buildings? Mr. Murphy said no one ever really knew how many buildings would get built; it could have been 2, 5 or all 32, then admitted that he didn’t even own his property back in 1995, but his point is it was a condition of the approval which included a pond.

Mr. Tim Sisson, 1015 Deer Run Trail, Marblehead came forward and stated his question is the ditch along Port Clinton Eastern Road got completely filled in and he doesn’t know if there are drainage tiles there or not, but the water cannot drain east, it all drains west. He said it seems like ever since part of that ditch got filled in, we’ve had water problems. Mr. Kracer asked what got filled in. Mr. Sisson stated part of the ditch up along the road. Mr. Steinbrick stated that in front of the actual storage buildings it was filled in. He said the County told them they were at the breaking point where all the water on the west side of the drive goes west and everything on the east side of the drive went east and we were allowed to fill that in with no tile. On the west side of the drive, Blair owns some of the property there and he tiled that out front with a catch basin at the NW corner.

Mr. Cole Steinbrick, 5950 E. Port Clinton Eastern Road stated that his sister owns property at the back of Deer Run that they spend some time at and he stated he has personally witnessed homeowner dump grass clippings into the ditch that they recently dug, so that could be leading to some of their issues.

Mr. Kracer asked Mr. Murphy where the water goes once it comes off his place. Mr. Murphy said it just slowing drains from the ditch. Mr. Kracer asked if it pumps anywhere. Mr. Murphy said no, it’s sort of like a retention pond, water just sits there until it slowly leaches in part because once the water gets up to Port Clinton Eastern, it’s got nowhere to go.

There was no one else from the public present who wished to speak.

The Vice-Chair asked for a motion to close the public hearing. Mr. Strauss made the motion, Mr. Kracer seconded the motion. All were in favor and the motion carried.

The Vice-Chair reviewed the decision criteria and the Commission deliberated. Ms. Dress made a motion to approve case ZC-2019-080, as presented herein and found that Decision Criteria “ii” & “iii” of Section 7.6.7.B. of the Danbury Zoning Resolution was satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening. Mr. Strauss seconded the motion. The roll call vote was as follows: Ms. Dress – yes; Mr. Strauss - yes; Mr. Kaminskas – yes; Mr. Kracer - yes; Mr. Brown - yes. All in favor, the motion carried 5-0. The Chair stated the Application has been recommended for **APPROVAL**. Ms. Dale will be in touch with the applicant of the date set for the final decision hearing before the Board of Trustees.

**Old Business**

There was none.

**New Business**

There was none.

**Other Business**

There was none.

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**Reports and Communications from Members and Staff**

There was none.

**Public Comments Regarding Zoning Items Not on the Agenda.**


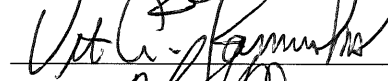

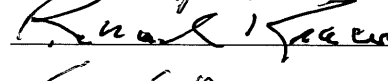

There was none.

**Adjournment**

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

The meeting was adjourned at 7:10 p.m.

  
RECORDING SECRETARY

  
  
  
  
  
ZONING COMMISSION