



Danbury Township, Ohio

Kathryn A. Dale, AICP
Zoning & Planning Administrator

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DANBURY TOWNSHIP ZONING DEPARTMENT

2019 ANNUAL REPORT (January 1 – December 31)

Board of Zoning Appeals

Loretta Grentzer
Brad Bauer, dec.
Sherry Roberts
Joseph Fetzer
Sharon Michael
Cathy Bertovich
Clyde Shetler

Township Trustees

Dianne Rozak
John Paul Dress
David Hirt

Zoning Commission

Jodi Kopanski
Richard Kracer
Vito Kaminkas
Michael Brown
Robert Strauss
Susan Dress
Jack McGrew, dec.

About the Zoning Department

The purpose of zoning according to the Danbury Township Zoning Resolution is to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements. The Zoning Department provides short and long-range planning services for the Township as well as zoning, permitting and enforcement. The Zoning Department also works in conjunction with businesses seeking to locate or expand in the Township. We work closely with both commercial and residential developers, with business owners and property owners to design projects that will add to the Township's economic, environmental, and social well-being.

Goals & Accomplishments from 2019

Goal: Continue implementation of Land Use Plan through necessary text amendments to zoning resolution as a result of goals established in the Land Use Plan.

Since the adopting of the Land Use Plan in 2017, the Zoning Commission has prioritized the goals and strategies from the Land Use Plan into immediate, short-term, long-term and on-going categories. One of the immediate items that was implemented was adding language requiring trees, landscaping and buffering on commercial properties.

Goal: Conduct an updated sign inventory.

During the summer of 2019, the Police Department graciously offered to help with this project and had Officer DeMore take photographs of all the signage in the Township over a multi-day period.

Goal: Organize zoning records in storage room off the meeting room.

The storage room is split between fiscal records and zoning records. 2-3 boxes of files consisted of properties no longer in Danbury Township's jurisdiction due to annexation into the Village of Marblehead. These records were petitioned by the State of Ohio to transfer over to the Village. Staff continues to work to further organize and throw-out old electronics and other misc. items that are not records to organize this space to allow for future record retention. There is approximately drawer space for 4 more years of permit storage before additional cabinets need to be installed.

2020 Goals

- **Board & Commission Member Training**
- **Continue implementation of Land Use Plan through necessary text amendments to zoning resolution as a result of goals established in the Land Use Plan.**

Litigation

BZA-2019-022, 194 Strauss:

After being denied by the BZA to use the property located at 194 Strauss Lane as a one-bedroom, non owner-occupied Bed and Breakfast at their March 20, 2019 hearing, which the decision was journalized April 17, 2019, the owner and tenant of the property filed an appeal of the Board's decision on May 20, 2019 with the Lucas County Court of Common Pleas court, as that is where the owner's permanent residence is located. August 26, 2019 Lucas County judge rendered the decision that the venue (location/court that the appeal was filed) was inappropriate and dismissed the appeal. The owner of the property then filed an appeal with the 6th District Court of Appeals on September 24, 2019. On October 24, 2019, the higher Court found that the owner could not file an appeal on behalf of her tenant because it constituted an unauthorized practice of law. Additionally, the court found the appeal incomplete and gave them 10 days to refile or the appeal was subject to dismissal. On November 4, 2019 the owner filed an amended notice of appeal. At this point it is confusing on where that has been filed because the paperwork refers to both Lucas County Court of Common Pleas and 6th District Court of Appeals. Last information filed on the case was December 10, 2019 by the Township's Attorney requesting the 6th District Court of Appeals affirm the lower court's decision rendered in August. At the time of this report, the higher courts decision has not yet been rendered.

Litigation Con't

312 Willowdale:

Property owner was cited for failure to remove a POD from the property. Complaint was filed with Municipal Court May 21, 2019. At the court hearing June 12, 2019, the property owner was found guilty, and ordered to remove the POD by July 3, 2019. POD was removed and case closed.

2468 Cook's Dock:

Property owner were cited for containing 3 junk vehicles on the property. Complaint was filed with Municipal Court September 9, 2019. At the court hearing October 9, 2019, both property owners were found guilty, and ordered to either comply with screening requirements, make vehicles operating or remove the vehicles within 10 days. One vehicle was placed in an enclosed structure and the other two vehicles were put into working order and the case closed.

Board and Commission Activities

These boards are made up of citizen volunteers appointed by the Board of Trustees, to review and make determinations or recommendations on planning and zoning matters assigned to them. The Board of Zoning Appeals is a quasi-judicial body that hears requests for variances to the strict application of the Zoning Resolution. The BZA also hears requests for Area and Use Variances, Appeals of the Zoning Inspector's Decisions, Conditional Uses, and Nonconforming Uses. The Zoning Commission provides formal recommendations to the Board of Trustees on amendments to the Zoning Resolution text and the zoning map. These citizen volunteers provide a valuable service to the Township by sharing their expertise and perspective. Activity for this year was as follows:

The **Board of Zoning Appeals** took action on 31 cases (25 in 2018) as follows:

| | | | | |
|----------------|-----------------------------|------------------------|-----------------|-------------------|
| Case# 2019-001 | 9451 E. Harbor Road | Danbury Local Schools | Area Variance | Approved |
| Case# 2019-002 | 1260 Englebeck Road | Seth LeBlanc | Area Variance | Approved |
| Case# 2019-007 | 129 Leddy | Robert Lucak | Area Variance | Approved |
| Case# 2019-013 | 6721 E. Harbor Road | Safe Harbor Marina | Area Variance | Approved |
| Case# 2019-014 | 0 Von Glahn | Charles Scott | Area Variance | Approved |
| Case# 2019-022 | 194 Strause Lane | Lynne Hamer | Conditional Use | Denied |
| Case# 2019-025 | 6721 E. Harbor Road | Safe Harbor Marina | Conditional Use | Approved w/ Cond. |
| Case# 2019-027 | 618 Central | Darrell Waite | Area Variance | Withdrawn |
| Case# 2019-033 | Lighthouse Bluff's III & IV | Cleveland/JakeJosh | Conditional Use | Approved |
| Case# 2019-040 | 250 Margaret | David Gulau | Area Variance | Approved |
| Case# 2019-056 | 9400 Northshore Blvd. | Otterbein Northshore | Conditional Use | Approved |
| Case# 2019-075 | 2380 N. Buck Road | Jennifer Brown | Area Variance | Approved |
| Case# 2019-083 | 1530 S. Danbury N. | North Coast Zoological | Conditional Use | Approved w/ Cond. |
| Case# 2019-084 | 8345 Joann | James & Cynthia Fish | Area Variance | Approved |
| Case# 2019-100 | 7335 Brooklyn | Ben & Kathy Bush | Area Variance | Approved |
| Case# 2019-101 | 7581 JoAnn | Rocky Point Marina | Area Variance | Partial Approval |
| Case# 2019-106 | 7581 E. Harbor | Big Bopper's | Area Variance | Approved w/ Cond. |
| Case# 2019-122 | 171 Laser | Timothy Gremling | Area Variance | Approved |
| Case# 2019-125 | 4733 E. Harbor Road | Patrick Lyons | Conditional Use | Approved w/ Cond. |
| Case# 2019-129 | 48 Riedmaier | Thomas deHaas | Area Variance | Approved |
| Case# 2019-130 | 9370 Northern Avenue | Carl & Cynthia Eyman | Area Variance | Approved |
| Case# 2019-131 | 5856 Sweetbriar | William Marconi | Area Variance | Approved |
| Case# 2019-154 | 351 Elm | Elizabeth Doran | Area Variance | Approved |
| Case# 2019-156 | 2497 Sundown | Kenneth Hartman | Conditional Use | Approved |
| Case# 2019-157 | 10181 E. Bayshore | Edgar Trent | Area Variance | Approved |
| Case# 2019-179 | 127-129 Kenton Row | Ruttencutter Holdings | Area Variance | Approved |
| Case# 2019-181 | 432 Lakefront | Mitch Grindley | Area Variance | Approved |
| Case# 2019-203 | 7761 Everett | Rod Wood | Area Variance | Approved |
| Case# 2019-205 | 2354 N. Buck | Randall Schneider | Area Variance | Approved |
| Case# 2019-217 | 9935 E. Bayshore | Thomas Boytim | Area Variance | Approved |
| Case# 2019-225 | 447 Lynn | Pete Schabo | Area Variance | Partial Approval |

On May 8, 2019, sadly Brad Bauer passed away. In June, the Board of Trustees appointed his wife, Lisa to fulfill his term set to expire 12/31/2023. In October Cathy Bertovich resigned as an Alternate to the Board and in November, Sharon Michael resigned as a Regular Member. The Board of Trustees appointed Patty Zsigo as an Alternate on October 23, 2019 with a term set to expire 12/31/2022. The Board of Trustees also reappointed Loretta Grentzer as a regular BZA member with a term to now expire 12/31/2024.

* * *

The **Zoning Commission** heard 6 cases in 2019 (4 in 2018), as follows:

Case# ZC-2019-029 **1530 S. Danbury Road (SR 269)**. Request for a Map Amendment from “A” Agricultural to “R-C” Recreational Commercial for PIN# 0141914126079001 (Sec. 4, west half Lot 19 Firelands Survey) consisting of approximately 10.882 total acres. **North Coast Zoological, LLC, Owner/Applicant; Michael Prosser, Agent.**

Approval – ZC
Approval – Trustees
Resolution No. 05-2019
Effective – 06.08.2019

Case# ZC-2019-030 **5677 E. Bayshore Road**. Request for a Map Amendment from “A” Agricultural to “R-3” High Density Residential for PIN# 0141160415534004 (Sec. 4, Lot 20 Firelands Survey) consisting of 7.539 total acres. **Daniel Jadwisiak, Applicant.**

Approval – ZC
Approval – Trustees
Resolution No. 06-2019
Effective – 06.08.2019

Case# ZC-2019-041 **249 S. Bridge (SR 269)**. Request for a Map Amendment from “R-3” High Density Residential to “C-2” General Commercial for PIN# 0140467606665000 (Sec. 4, Lot 3 Firelands Survey) consisting of 19.885 total acres. **Marjory Kobylski, Owner/Applicant; Safe Harbor Development, Mark Montgomery, Agent.**

Approval – ZC
Approval – Trustees
Resolution No. 08-2019
Effective – 06.22.2019

Case # ZC-2019-080 **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 acres, located at 5910 E. Port Clinton Eastern Road (Spare Attic). **Tom & Christine Steinbrick, Owner/Applicant.**

Approval – ZC
Approval – Trustees
Resolution No. 10-2019
Effective – 08.24.2019

Case # ZC-2019-137 **Map Amendment from “A” Agricultural to “R-C” Recreational Commercial** for PIN# 0142109634811000 (Sec. 4, Pt. Lot 21 Firelands Survey) consisting of approximately 0.79 acres, located at 2140 Meter Road. **Edward & Mary Sheehan, Owner/Applicant.**

Approval – ZC
Approval – Trustees
Resolution No. 16-2019
Effective – 11.09.2019

Case # ZC-2019-210 **Text Amendment** to create new Section 2.3 dedicated to just Sign Definitions, create new Section 3.4 Use Matrix eliminating the need to have multiple pages dedicated to each zoning district and duplicating information, move the end of Article 3 (General Regulations) to Article 5, Alphabetize the uses & Sections of Article 4 & 5, add new Section 5.8 about Landscaping and Buffering, make Article 6 dedicated strictly to signage, combine old Article 6 & 7 into Article 7 regarding all processes and board duties. **Danbury Township, Applicant.**

Approval – ZC
Approval – Trustees
Resolution No. 23-2019
Effective – 01.23.2020

The Board of Trustees reappointed Robert Strauss as a regular ZC member with a term to now expire 12/31/2024. December 24, 2019, Alternate Jack McGrew unexpectedly passed away.

Permits

The 2019 year resulted in fewer permits than 2018 as far as total number of permits. The Township finished the 2019 year with issuing 239 permits, 17 less than 2018. Between 2000-2010 the Township averaged 256 permits per year. Since 2010, the Township has been averaging 217 permits per year.

The total number of new single-family homes remained about the same with 27 permits, compared to 30 last year. The average number of new single-family home permits issued since 2010 is 24 permits. 22 of the 27 new homes built were on vacant lots; 5 were a tear down and rebuild; 1 was not started.

Commercial construction activity compared to last year increased. There were 9 new commercial permits issued and 2 commercial additions for a total of 50,984s.f. of new building space compared to 8 new buildings last year for a total of 58,216s.f. These new buildings and additions included a cooler expansion at Mickey Mart, 5 commercial storage buildings, a new equipment storage building for Lucky Lee's Pest Control and Lake Disposal, a new clubhouse for Snug Harbor Subdivision, new bar/restaurant at West Harbor Marina and a new 10 bed-facility at Otterbein Northshore.

Permit fees collected this year were up by \$1,559.32. Most permit fees are associated with the size of a project. The increase of commercial projects contributes to the increase, but there were also 2 new Condominium buildings (8 units total) issued this year, 51 campground sites and a decrease in the number of substantial residential additions.

Permits over the years have traditionally began to increase between April and September. This trend continued in 2019. The months of July and September proved to have the most permits issued in those months since 2005. For unknown reasons, the month of October in 2018 was the worse it had been since 2011. This however in 2019 corrected itself and like past even years, produced over 20 permits. A trend like this shows that property owners are staying in the area longer and beyond Labor Day.

In addition to issuing many commercial building permits and remaining in-line with new single family home permits; residential additions, porches, decks, accessory structures, and fencing permits were popular improvements made to existing homes and property. The Township continues to see people retiring permanently to the area and making improvements to their properties in preparation of making them year-round.

Enclosed are the Comparison Reports of the permits.

Office Activity

A primary activity of the Zoning staff is responding to inquiries from residents, developers, appraisers, contractors, etc. Inspections are performed to verify or identify violations as well as to verify that projects are completed in compliance with approved plans. In addition, the department staff greets visitors seeking information regarding other township services and directs them to the appropriate official or department.

During 2019 the Department responded to 7,119 calls, e-mails and in-person inquiries and went on 885 site visits. This averages to 593 calls or emails per month and 73 inspections per month. We had a 6% increase in phone volume from 2018 and an 11% decrease in inspections.

The office daily logs are no longer created, so the data detail is simplified as follows:

- Outgoing 869
- Incoming 1,403
- Other 1,385
- Emails 3,462
- Violation Letters 63
- Inspections 885

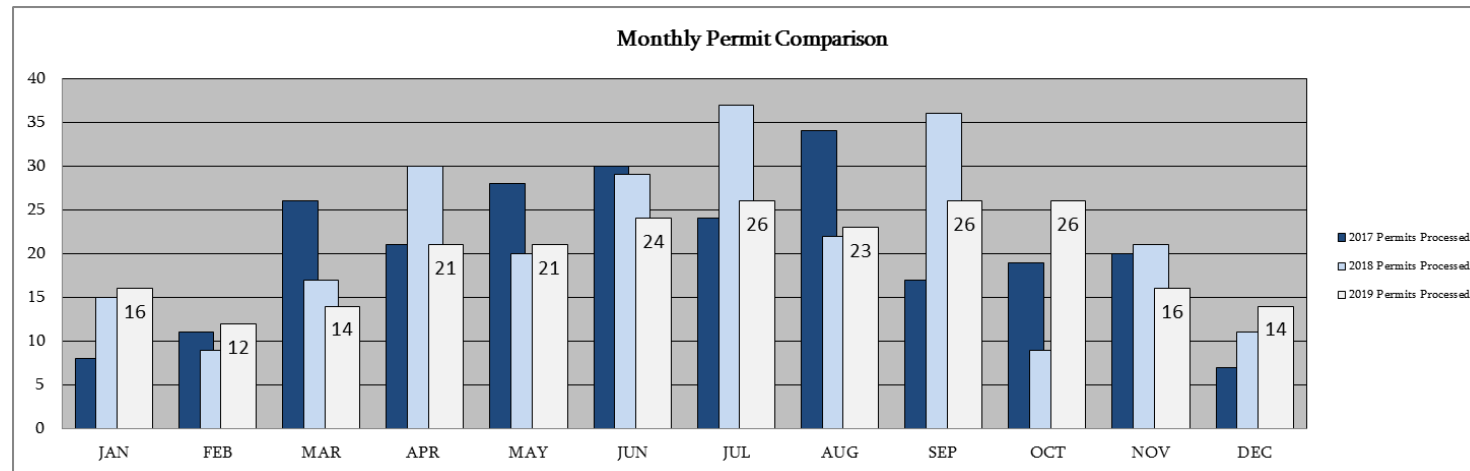
There were no abatements/assessments this year related to nuisance complaints.

Other Office Updates:

- Legal notices to adjacent property owners for BZA and ZC hearings were switched from letter format to postcard format due to the costs in postage.
- Staff participated in many conference calls and discussions with Lakeside Association and their consultant as they work on updating the Lakeside Rules & Regulations and their Historic Preservation-Design Review Board (HP-DRB) review process and guidelines. Some of these updates they intend to implement would require text amendments to the zoning resolution.
- In November, staff attended the NW Ohio APA Conference in Toledo and was able to attain the rest of required CE credits for AICP credentials.
- The Township terminated the contract for services with ClearZoning in December and will now manage the updates to the zoning resolution in-house.

2019 Monthly Permit Activity Danbury Township Zoning Permits

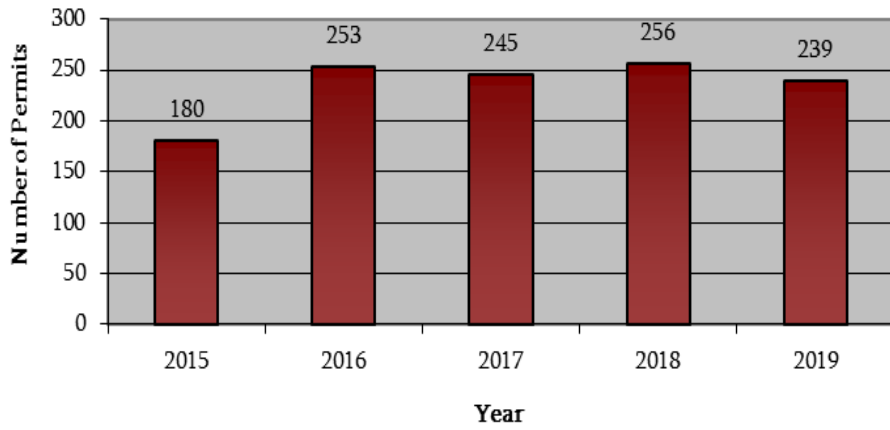
| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTALS |
|----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------------|
| New Dwelling | 3 | 2 | 2 | 1 | 1 | 3 | 2 | 2 | 4 | 4 | | 3 | 27 |
| Condominium Building | | | | | | | | | | | 1 | 1 | 2 |
| Addition/Porch/Deck | 3 | 1 | 2 | 8 | 4 | 6 | 6 | 8 | 7 | 4 | 3 | 2 | 54 |
| Accessory Bldg./Dock/Pool | 2 | 1 | 3 | 5 | 4 | 5 | 7 | 3 | 5 | 7 | 4 | 4 | 50 |
| Fence | | 1 | 1 | 3 | 4 | 3 | 3 | 1 | 3 | 2 | 1 | | 22 |
| Commercial Building | 1 | | | 2 | 1 | | | 2 | 1 | 2 | | | 9 |
| Commercial Addition | 1 | | | | | | | | | | 1 | | 2 |
| Sign | | 1 | | | | 1 | | | | 1 | | 1 | 4 |
| Change of Use | | | | | | | | | 1 | | | | 1 |
| Permit Rejected/Voided | 1 | 2 | 1 | | 1 | 3 | 3 | 2 | 3 | 2 | 2 | | 20 |
| Zoning Amendment | | | 3 | | 1 | | | 1 | | | 1 | 1 | 7 |
| Appeal | | | | | 2 | | | | | | | | |
| Conditional Use | | 2 | 1 | 1 | 1 | | 1 | 1 | | | | | 7 |
| Cond. Use Phase Approval | | | | | | | | | | | | | |
| Variance | 5 | 1 | 1 | | | 3 | 4 | 2 | 2 | 2 | 2 | | 24 |
| Special Exception | | | | | | | | | | | | | |
| Other Misc. | | 1 | | 1 | 2 | | | 1 | | 2 | 1 | 2 | 10 |
| 2018 Permits Processed | 16 | 12 | 14 | 21 | 21 | 24 | 26 | 23 | 26 | 26 | 16 | 14 | 239 |
| Zoning Books Sold | | | | | | | | | | | | | 0 |
| Fees Collected | \$1,813.28 | \$1,143.24 | \$1,661.18 | \$2,117.75 | \$2,782.36 | \$1,541.83 | \$2,268.52 | \$2,522.92 | \$1,921.00 | \$2,688.35 | \$1,978.29 | \$1,482.11 | \$23,920.83 |



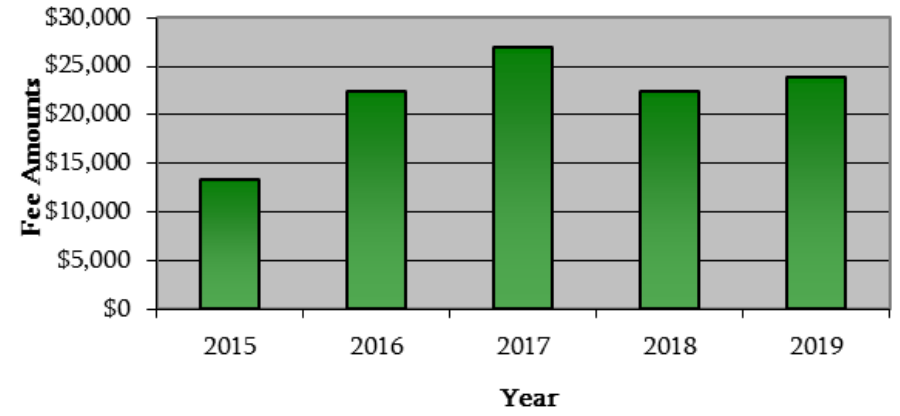
5 Year Permit Comparison Report Danbury Township Zoning

| | 2015 | 2016 | 2017 | 2018 | 2019 | TOTALS |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|---------------------|
| New Dwelling | 26 | 30 | 28 | 30 | 27 | 141 |
| Condominium Building | | | 2 | | 2 | 4 |
| Addition/Porch/Deck | 34 | 55 | 48 | 62 | 54 | 253 |
| Accessory Bldg./Dock/Pool | 33 | 49 | 57 | 43 | 50 | 232 |
| Fence | 18 | 31 | 21 | 35 | 22 | 127 |
| Commercial Building | 6 | 7 | 17 | 8 | 9 | 47 |
| Commercial Addition | 1 | 1 | 4 | 4 | 2 | 12 |
| Sign | 12 | 9 | 5 | 9 | 4 | 39 |
| Change of Use | | 2 | 2 | 2 | 1 | 7 |
| Permit Rejected/Voiced | 14 | 17 | 18 | 22 | 20 | 91 |
| Zoning Amendment | 4 | 6 | 7 | 4 | 7 | 28 |
| Appeal | | | | 1 | | 1 |
| Conditional Use | 5 | 13 | 3 | 3 | 7 | 31 |
| Cond. Use Phase Approval | | | | | | |
| Variance | 13 | 18 | 19 | 20 | 24 | 94 |
| Special Exception | | | | | | |
| Other Misc. | 14 | 15 | 14 | 13 | 10 | 66 |
| Permits Processed | 180 | 253 | 245 | 256 | 239 | 1,173 |
| Zoning Books Sold | 2 | 3 | | | | 5 |
| Fees Collected | \$13,256.63 | \$22,499.50 | \$27,007.06 | \$22,361.51 | \$23,920.83 | \$109,045.53 |

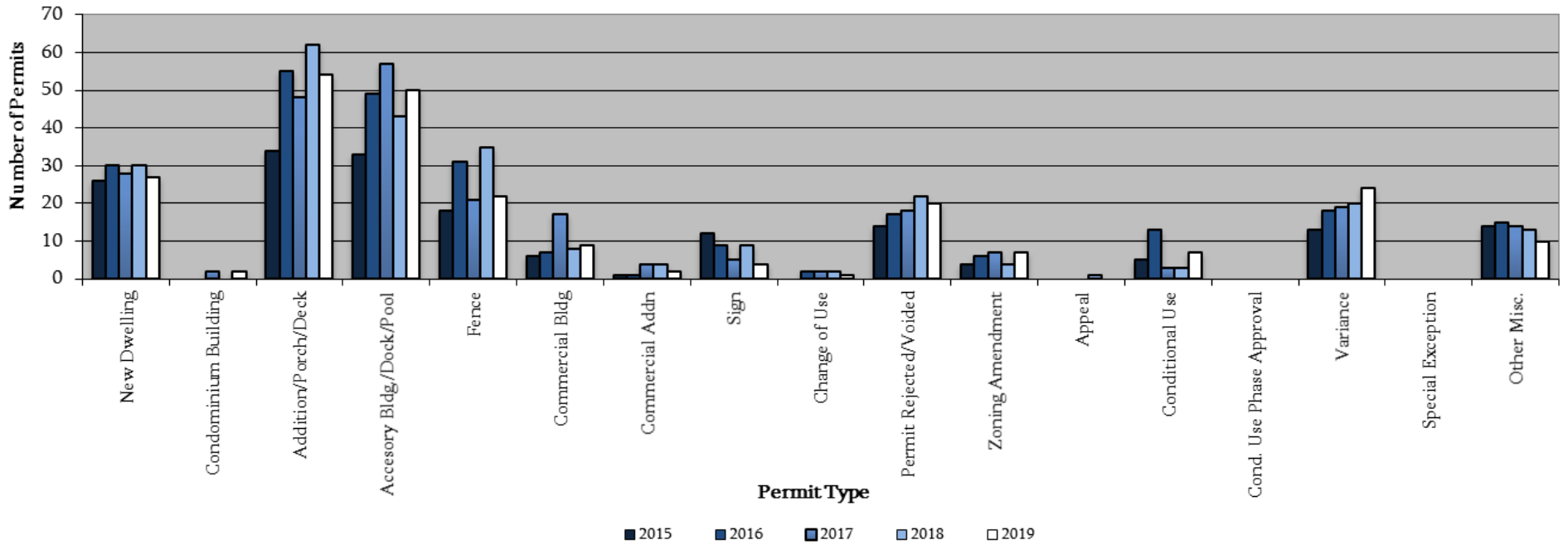
5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



5 yr. Permit Type Comparison



2019 Office Activity Report Danbury Township Zoning

| | Jan. | Feb. | March | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | TOTALS |
|---------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|-------------|
| Calls & Emails | | | | | | | | | | | | | |
| Outgoing | 42 | 28 | 34 | 97 | 113 | 101 | 77 | 92 | 94 | 101 | 46 | 44 | 869 |
| Incoming | 51 | 36 | 93 | 128 | 160 | 147 | 165 | 179 | 147 | 151 | 70 | 76 | 1403 |
| Other | 94 | 79 | 123 | 171 | 107 | 138 | 148 | 110 | 122 | 173 | 57 | 63 | 1385 |
| Emails | 246 | 295 | 250 | 268 | 356 | 299 | 316 | 340 | 310 | 336 | 242 | 204 | 3462 |
| | 433 | 438 | 500 | 664 | 736 | 685 | 706 | 721 | 673 | 761 | 415 | 387 | 7119 |
| Site Visits | | | | | | | | | | | | | |
| Zoning Violations | | | | | | | | | | | | | |
| Violation Letters Sent | 0 | 2 | 5 | 4 | 6 | 12 | 9 | 10 | 3 | 1 | 6 | 5 | 63 |
| Zoning Inspections | 49 | 40 | 107 | 56 | 109 | 79 | 90 | 66 | 77 | 88 | 66 | 58 | 885 |
| | 49 | 42 | 112 | 60 | 115 | 91 | 99 | 76 | 80 | 89 | 72 | 63 | 948 |
| | 482 | 480 | 612 | 724 | 851 | 776 | 805 | 797 | 753 | 850 | 487 | 450 | 7182 |
| | | | | | | | | | | | | TOTAL: | 8067 |

