

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

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_ **December 18,** 20 **19**

The Danbury Township Board of Zoning Appeals was called to order at 6:30 p.m. by the Chair, Sherry Roberts, at the Danbury Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Sherry Roberts, Mrs. Loretta Grentzer, Mr. Joseph Fetzer, Alternate, Mr. Clyde Shetler and Alternate, Patricia Zsigo. Ms. Bauer was excused. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Mr. Peter Corrado, Mr. Pete Johnson and Mr. Thomas Boytim.

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

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

**Adjudication Hearing**  
**Case BZA #2019-217**  
**9935 E. Bayshore Road**  
**Boytim**

**Request for an Area Variance from Section 5.1.1.A.ii to allow for the cumulative square footage of all accessory structures to exceed the 1,200s.f. limitation (2,448s.f. existing/ additional 24' x 36' [864 s.f.] proposed/ 3,312s.f. total).**

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Grentzer 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 applicant is proposing to construct a 24' x 36' (864sq.ft.) detached accessory building on the property. There is currently a 36' x 68' (2,448s.f) existing detached accessory structure already on the property. The total cumulative square footage of all accessory structure would equate to 3,312s.f. where 1,200s.f. is the maximum permitted. The property contains just over 4.5 acres and the proposed structure will be approximately 410' from the street and in-line with the existing structure. Accessory buildings can be constructed under an agricultural exemption if they are using the structure for a bona fide agricultural use. However, the applicant has indicated that they will be using the structure primarily for personal use and storage. There is no provision in the zoning resolution that makes exceptions for large lots or any type of ratio that would possibly allow a structure larger than 1,200s.f. if the lot were larger than the standard 6,400 s.f. lot located in the "R-3" High Density Residential zoning district. Ms. Dale concluded by reviewing the decision standards the Board would be considering. There were no further questions from the Board for Ms. Dale.

Thomas Boytim, Owner, 9935 E. Bayshore Road, Marblehead came forward and was sworn in. Mr. Boytim reviewed the paperwork and stated it was as he submitted. Mr. Boytim said the purposed of the proposed building is to accommodate his growing storage needs. The existing garage is crowded right now. He said he recently purchased an 8' x 10' utility trailer which is sitting outside and he'd like to keep it indoors. The proposed building will be setback from Bayshore Road about 400' and north of his existing garage and will not be visible from Bayshore Road. The perimeter of his property is heavily tree-lined and there would be little to no distractions to adjoining property owners. He said to many, it won't be visible at all. Mr. Boytim said he thought maybe only 3 people on Seneca Trail would be able to see it at all and with all the trees, it will be partial views of the building. Mr. Boytim said he has 4.5 acres even though it's zoned High Density. He acknowledges that while the request may be sizable in relation to the code and what it allows, he does not believe it infringes on the spirit of the code and the property will remain low density and a wide open, greenspace lot.

Ms. Grentzer said she understands he has a lot of property, but when she did a site visit prior to the meeting, there was a very sizable garage already back behind the house. She said she saw a boat sitting out also and was wondering if that was going to go into this new garage. Mr. Boytim said that is his nephew's boat and he thinks his nephew is going to sell it, but it will not be going into his garage. Mr. Boytim said he has enough equipment in the existing 4-bay garage that the boat wouldn't fit anyway. Ms. Grentzer clarified that he wants to put a trailer in the new garage. Mr. Boytim said he has a 6'x 10' utility trailer for ATV's in the garage now that he would move into the new garage along with the other utility trailer mentioned, a boat, lawn tractor and lawn vacuum. Ms. Grentzer asked if he'd have room for all that in the new building. Mr. Boytim said it would be tight, but he has a lot of jockeying around of things so it's not so cramped in the big garage.

There were no further questions from the Board and there was no one with standing who wished to testify.

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

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Danbury Township Board of Zoning Appeals

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BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held

December 18, 2019

Ms. Grentzer motioned to recess into executive session to deliberate the merits of the case. Mr. Shetler seconded the motion and the roll call vote was as follows: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. The motion carried and the Board recessed at 6:42p.m.

Mr. Fetzer moved and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. The Board reconvened at 6:52p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2019-217:

**With regard to BZA-2019-217 being a request for an Area Variance from Section 5.1.1.A.ii to allow for the cumulative square footage of all accessory structures to exceed the 1,200s.f. limitation (2,448s.f. existing/ additional 24' x 36' [864 s.f.] proposed/ 3,312s.f. total) for the property located at 9935 E. Bayshore Road:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used as a single-family residence and the property has ample space for an accessory structure(s).
2. The request **is** substantial because it's 2.76 times more than what is allowed, but the owner has sufficient property to accommodate a building of this size.
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 because the applicant is proposing to locate the building a substantial distance from the property lines and in an area with trees and other vegetation surrounding it that will help further shield the building from adjacent properties and from the street.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing to the property and no extension of utilities is proposed.
5. The property owner states they **were** aware the Township had zoning but did not think there would be a restriction related to this due to the size of the property.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by renting a storage unit, however, they indicate they would like to store their personal items on-site and to keep these items in a building as opposed to sitting out in the yard and elements.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance due to the size and placement on the property, the proposed building is not out of character nor would it infringe on adjoining property owners health or safety.

Ms. Grentzer 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) (3) (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 **does support** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. Vote 5-0 the motion passed. The Chair stated that the Board was going to sign the decision sheets from tonight's cases at the end of the meeting because it appears as though there may not be a meeting in January.

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Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

December 18, 20 19

**Adjudication Hearing  
Case BZA #2019-225  
447 Lynn  
Schabo**

**Request for an Area Variance from Section 7.9.3.A to allow multiple residential additions to exceed the 20% square footage onto a nonconforming structure (214.2s.f. allowed/ 741s.f. [69%] proposed) and Section 5.2.4.A to allow for 2 on-site parking spaces to be 17.75' long where 18' is required.**

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. Fetzer moved and Ms. Zsigo 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 14' x 22.5' two-story addition on the south side of the house, a 4' x 14' porch addition and a 5'8" x 9'8" 2<sup>nd</sup> floor addition. The existing house is nonconforming because it encroaches over the north, side property line and does not meet the front-yard setback. All the additions meet or exceed the setback requirements. The original nonconforming structure contains 1,071s.f. of floor area. 20% would allow for a 214.2s.f. addition. The applicant is proposing new additions that would equate to 741s.f. or a 69% increase. Since more than 50% of floor area is being added onto the house, 2 on-site parking spaces are required. While the number of spaces required are shown and available, the spaces are not long enough and are shown as being 17.75' long where 18' is required. As shown, the vehicles may end up hanging over into the road right-of-way. The north parking space may be sufficient since the property is a little longer at the north end as opposed to the south end. Ms. Dale concluded by reviewing the decision standards the Board would be considering.

Ms. Roberts asked if Mr. Johnson is aware that it could go either way on the parking and if he is agreeable to that. Ms. Dale said she cannot speak for the applicant or the agent. Ms. Roberts rephrased and asked if Ms. Dale had spoken to the applicant about how the measurement is taken for the parking. Ms. Dale said no. Ms. Grentzer said that there is a little cottage to the north and asked if there was room to put a parking spot on the north side. Ms. Dale said she is not suggesting that the applicant move the location of the parking spaces, but is only pointing out that where the measurement was taken from may not be entirely accurate. She said the house and property lines are a little slanted, so the north parking space might meet the requirement. For sure the south parking space does not meet the length requirement. There were no further questions from the Board for Ms. Dale.

Mr. Pete Johnson, Architect and Agent on behalf of the owner, 11706 W. Salem-Carroll Road, Oak Harbor, came forward and was sworn in. Mr. Johnson reviewed the paperwork and stated it was as they submitted. Mr. Johnson said that the parking dimension is fluid. In otherwords, he could have taken it from somewhere else and it could have shown as 18', but they used measurements from the surveyor and it came out at 17'9". As the Board can see from the drawings, the house is definitely nonconforming at the north property line. The owners told him when he first met with them that they thought they had a double lot, that the realtor had also told them they had a double lot and all kinds of room to the south the build. But it wasn't until they obtained a survey that they found out exactly where the house sat, which shows this house on the north property line and the neighbor to the east encroaching significantly on their lot also. He said they're looking for a little leeway. Mr. Johnson shared that the owners just had their 9<sup>th</sup> grandchild just last night and they've had this house since 2006. He said the owners come up here all summer long and want to make it more conducive to larger family life.

Mr. Johnson said he thinks it's pretty self-explanatory about what it is they are asking for. The owners didn't have any idea about zoning. Mr. Schabo is a retired engineer and Mrs. Schabo is now a part-time school bus driver in Dublin.

Mr. Fetzer asked for clarification on the existing layout of the house, specifically where the kitchen is now. Mr. Johnson said the floorplans are in the drawings they received, but not called out. Essentially the house is narrow; 14' x 42', entering into the family room with the kitchen to the back of the house. The second floor has a hall, 2 bedrooms and 2 sleeping porches. The new house addition will include the kitchen and the old kitchen would turn into a bedroom on the first floor because he guesses the homeowners to be in their mid-60's. They would end up with 3 bedrooms upstairs then. Mr. Fetzer asked if there would be 2 front doors. Mr. Johnson said yes. The new addition will be setback 19' or so from the front wall of the existing house. Mr. Fetzer asked if this is going to be a duplex and Mr. Johnson said no. Ms. Grentzer said the porch is what it effecting the parking area. Mr. Johnson said that is correct. Ms. Grentzer asked if they could reduce the size of the porch to meet the parking space depth. Mr. Johnson said that it could, that the porch is really there to dress it up and maybe put a small chair or bench on it; it's not there for entertainment. Mr. Johnson said if that's a real sticking point, the porch could be modified by 3". Ms. Grentzer stated that would help if they had normal sized cars.

Held

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There were no further questions from the Board and there was no one else with standing who wished to testify.

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

Ms. Grentzer motioned to recess into executive session to deliberate the merits of the case. Mr. Shetler seconded the motion and the roll call vote was as follows: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. The motion carried and the Board recessed at 7:10 p.m.

Mr. Shetler moved and Ms. Zsigo seconded the motion to reconvene. The roll call vote was as follows: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. The Board reconvened at 7:34 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2019-225:

**With regard to BZA-2019-225 being a request for an Area Variance from Section 7.9.3.A to allow multiple residential additions to exceed the 20% square footage onto a nonconforming structure (214.2s.f. allowed/ 741s.f. [69%] proposed) and Section 5.2.4.A to allow for 2 on-site parking spaces to be 17.75' long where 18' is required for the property located at 447 Lynn:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variances because the property can continue to be used as a single-family residence and the zoning resolution does allow for some type of improvement and expansion.
2. The request **is** substantial because due to the size of the addition(s) the parking is subsequently affected. However, the proposed additions will meet all setback requirements.
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 because where the addition is proposed is within the confines of the building envelope.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing to the property.
5. The property owner states they **were not** aware of the zoning requirements in effect in the Township at the time they acquired the property.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by scaling back the addition to allow the parking spaces to meet the minimum size requirement. This owner and applicant had no control over where the original house was placed, thus any improvement over 214s.f. is going to require a variance.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance specifically regarding Section 7.9.3.A (exceed 20%) because the size of the addition is reasonable in scale and meets all the setbacks.

Mr. Fetzer 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 **does support** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED WITH THE FOLLOWING CONDITION:**

- 1.) That, the house and/or porch be scaled down so both parking spaces meet the required size of 9' x 18'.

Motion Seconded by: Ms. Grentzer. Roll Call Vote was as follows: : Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes. Vote 5-0 the motion passed. The Chair stated that the Board was going to sign the decision sheets from tonight's cases at the end of the meeting because it appears as though there may not be a meeting in January.

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Held December 18, 2019

**Approval of November 20, 2019 Board of Zoning Appeals Meeting Minutes**

Mr. Shetler made a motion to approve the November 20, 2019 meeting minutes, Ms. Zsigo seconded. All were in favor and the motion carried.

**Signing of Decision Sheets**

The Chair asked the Board if they had the opportunity to review the Decision Sheets presented for the following cases. There were no corrections or modifications. Mr. Shetler made a motion for approval of the decision sheets as presented for the following cases. Ms. Zsigo seconded the motion. All were in favor and the motion carried.

- a. **BZA-2019-203 7761 Everett.** Request for an Area Variance from Section 3.1.4.D to allow for a garage addition to exceed the maximum lot coverage (46.7% proposed/40% required), Section 3.5.7 to allow the addition to encroach into the front-yard setback (1.3' proposed/20' required) and Section 7.9.3.A to allow the addition to exceed the 20% square footage onto a nonconforming structure (85.6s.f. allowed/ 3,418s.f. [798%] proposed). **Rod Wood, Owner/Applicant.**
- b. **BZA-2019-205 2354 N. Buck Road.** Request for an Area Variance from Section 3.5.7 to allow for a new single-family home to encroach into the east, front-yard setback (9'6" proposed/ 20' required) and north, rear-yard setback (0' proposed/5' required). **Randall Schneider, Owner/Applicant.**
- c. **BZA-2019-217 9935 E. Bayshore Road.** Request for an Area Variance from Section 5.1.1.A.ii to allow for the cumulative square footage of all accessory structures to exceed the 1,200s.f. limitation (2,448s.f. existing/ additional 24' x 36' [864 s.f.] proposed/ 3,312s.f. total). **Thomas Boytim, Owner/Applicant.**
- d. **BZA-2019-225 447 Lynn.** Request for an Area Variance from Section 7.9.3.A to allow multiple residential additions to exceed the 20% square footage onto a nonconforming structure (214.2s.f. allowed/ 741s.f. [69%] proposed) and Section 5.2.4.A to allow for 2 on-site parking spaces to be 17.75' long where 18' is required. **Pete & Kathleen Schabo, Owner/Applicant.**

**Old Business**

There was none.

**New Business**

There was none.

**Other Business**

**Election of Officers.**

Ms. Roberts shared with the newer members that a few years ago the Board modified the by-laws so there were term limits for Chair, Vice-Chair and Secretary. She stated that her two-year limit as Chair is up, so a new Chair will need to be selected for next year. Ms. Roberts also shared that typically it is an unspoken understanding that everyone would have an opportunity to serve as Chair during their term and operate in succession of position. Ms. Roberts said they could handle this a couple of different ways, they could take multiple nominations and vote on each individually, but she would motion that the Chair for 2020 be Mr. Fetzer, Ms. Grentzer for Vice-Chair and Ms. Bauer as Secretary. Mr. Grentzer said she too was going to nominate Mr. Fetzer for Chair. Mr. Shetler seconded Ms. Robert's motion. The roll call vote was as follows: Ms. Zsigo – yes; Mr. Shetler – yes; Ms. Grentzer – yes; Mr. Fetzer – yes; Ms. Roberts - yes.

**Acceptance of By-Laws and 2020 Meeting Schedule.**

Ms. Dale said there are no changes to the By-laws but every year they make a motion to accept them and the meeting schedule. Ms. Grentzer made a motion to accept the by-laws and the 2020 meeting schedule. Ms. Roberts seconded the motion. All Ayes. None opposed. Motion passed.

**Reports and Communications from Members and Staff**

Ms. Dale shared that at this time it does not look like there will be any requests filed by the December 27, 2019 deadline and thus the January meeting could be cancelled. She also shared that there will be new zoning resolutions to distribute after January 23, 2020.

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Minutes of

Danbury Township Board of Zoning Appeals

Meeting

BEAR GRAPHICS 800-325-8994 FORM NO. 19148

Held

December 18, 20 19

Adjournment

Ms. Roberts moved to adjourn the meeting and Ms. Zsigo seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 7:46 p.m.

*Kathryn A Dale*  
RECORDING SECRETARY

*Fruella Gember*  
*Sherry Roberts*  
*Alyde Shetter*

BOARD OF ZONING APPEALS