

Danbury Township Board of Zoning Appeals

Special Meeting – June 16,

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The Danbury Township Board of Zoning Appeals Special Meeting was called to order at 5:06 p.m. by the Chair, Joseph Fetzer. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Joseph Fetzer, Vice-Chair, Loretta Grentzer, Ms. Sherry Roberts, Ms. Lisa Bauer, Mr. Clyde Shetler and Alternate, Mr. Gregory Huffman. Alternate Patty Zsigo was excused. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Ms. William Beatty, Carol Raber and Mr. Jim Switzer.

Ms. Dale read the rules of order for the meeting proceedings. The meeting is being held via Zoom due to the Covid-19 pandemic. Ms. Dale acknowledge everyone who joined the meeting and explained that prior to speaking, the Chair would call on everyone to give them the opportunity to speak. She asked that if they were not speaking to place themselves on mute so that any background noise was blocked. Ms. Dale explained that at the conclusion of the hearing during the Board's deliberation, the applicant and any members of the public would be placed in the "waiting room" of Zoom. She explained that they should not leave the meeting because the Board will come back and make their decision openly. 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 #2020-083
201 Elizabeth
Beatty**

Request for an Area Variance to Section 5.2.C to allow for a detached garage to be 2' from the principal structure where 5' 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. Ms. Roberts moved and Ms. Grentzer 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 shared that the applicant is proposing to construct a new 19' x 24' detached garage which will be 2' from overhang to overhang from the principal structure where 5' is required. From wall to wall between structures there will be a 5' distance. All other zoning requirements are met in regards to setbacks, lot coverage & building height. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

William Beatty, Owner/Applicant, 201 Elizabeth, Marblehead, was called upon and sworn in. Mr. Beatty reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he submitted. Mr. Beatty stated that the reason they would like to build this garage is because his wife & he have decided that they are going to move here permanently and sell their house in Cleveland. In order to do this, they need more storage space and a place to keep their vehicles during the winter months. Mr. Beatty shared that the way his house is laid out, the south side of the house where the garage will be is where the two bedrooms are, so there is no way to do an attached garage, which would be his preference, but they would have to change the entire layout of the first floor because there is no mudroom or hallway at this end to be able to walk in or connect to a garage. Mr. Beatty said the house is also a modular home, so the main supports are right down the center and to put in a hallway would be structurally hard to do. He stated that garage will have attic space above for extra storage with regular steps. He said making the garage doesn't help any and would likely result in an encroachment into the south setback. He said the only thing he can do is make it a little longer which then means encroaching into the rear setback or upon himself. He said he thought it would be better to infringe on himself than on the surrounding neighboring properties. He concluded by stating that's why he wants to place the garage where he has proposed and why it's the size that it is.

Ms. Grentzer asked if this would be a single-car garage, double or 1½- car garage. Mr. Beatty said it's kind of 1½. He said at 19' wide, it's not the full width you would typically find but he is going to be able to get a 16' wide door in it which will allow for 2 vehicles to fit, but it will just be tight.

Ms. Roberts asked Mr. Beatty to clarify what he means by a 16' door, and if he plans on storing a boat or RV or something in it. Mr. Beatty said no, it's just a regular 16' door that can fit two vehicles in it.

Ms. Dale shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that two letters were received from adjoining property owners for this case. The first letter was received 05/26/2020 from Mr. Bill Beckman of 198 Leddy Lane, to the east of Mr. Beatty. Ms. Dale stated that this letter would be entered into the record as Beckman Ex. 1 and then read the letter verbatim. Ms. Dale shared that a second letter was received

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06/14/2020 from Ms. Gloria Engler, 218 Leddy Lane and is also east of Mr. Beatty's property. Ms. Dale stated that this letter would be entered into the record as Engler Ex. 1 and then read the letter verbatim. Both letters expressed support for the variance and proposed garage. Ms. Grentzer asked for clarification that these two property owners are behind Mr. Beatty. Ms. Dale said that was correct.

Mr. Fetzer asked if there was anyone with standing who wished to testify. Ms. Dale indicated that there was no one else on the Zoom meeting for this case.

There were no further questions from the Board.

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

Ms. Roberts 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: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 5:23p.m. Ms. Dale reminded the applicant and other non-board members that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Roberts moved and Ms. Bauer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 5:31p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-083:

With regard to BZA-2020-083 being a request for an Area Variance to Section 5.2.C to allow for a detached garage to be 2' from the principal structure where 5' is required for the property located at 201 Elizabeth:

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 for a single-family residence and there is space to accommodate a garage.
2. The request **is not** substantial because the only impact the variance will have is on the homeowner. All other zoning requirements are met.
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 proposed garage meets the setback requirements.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The property owner **did not** indicate whether they were aware the Township had zoning, only that at the time they purchased the property they had no intentions of permanently residing here or a need for a garage.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by attaching the garage to the house, but according to the applicant, due to the interior layout of the home that is not possible.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no negative impact on adjoining properties.

Mr. Shetler 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**.

Motion Seconded by Ms. Bauer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is July 15, 2020.

Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

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

**Adjudication Hearing
Case BZA #2020-088
660 Walnut
Raber**

Request for an Area Variance to Section 5.5.8 to allow for a 6' high fence to be 100% opaque where 66% opacity 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. Ms. Roberts moved and Ms. Grentzer 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 shared that the applicant is proposing to install one 7' long, 6' high solid, vinyl fence panel as a sound and visual screen to an A/C compressor on the north side of the house. The property is a corner lot, thus the east & south property lines are considered to be the front-yards. Of the two remaining property lines, one must be considered the side-yard and the other the rear-yard. For the purpose of this application, the west property line is being considered as the side-yard and the north property line is being considered the rear yard. Lakeside regulations only allow for a 6' high fence on the rear property lines, not on the side property lines. The Lakeside regulations also require that a 6' high fence has a 66% opacity. This is typically at the top of the fence via a lattice-type top or spacing between planks. The fence will be 100% opaque in part due to the neighbor's request. Lakeside has already approved this request. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

Carol Raber, 660 Walnut, Marblehead, was called upon and sworn in. Ms. Raber reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as she submitted. Ms. Raber asked that the record show a correction on the staff report that her name is Carol and not Carolyn. Ms. Dale said that would be noted. Ms. Raber stated this has been a very long process and began in December 2019 when the mini-split system was installed. In older HVAC systems, the fan blows out the top of the outside condenser; in this new outside unit, which blows towards the front, creating a fairly strong breeze. The breeze and the noise of the unit was brought to the attention of Lakeside Municipal Services on January 7 as it interfered with a neighbor's enjoyment of their Lakeside cottage during a winter visit. She was made aware that she should have had pre-approval from Lakeside HP-DRB prior to installation of the new mini-split system as it was in addition to, and not a replacement of, the older gas fired furnace. She has taken steps with Lakeside to have the mini-split system location approved as well as to satisfy all the suggestions and requests from the complaining neighbor. She stated she wants to be a good neighbor, but she also wants to be comfortable in her home regardless of the season. She believes this option of adding one 6' high by 7' long, 100% opaque vinyl fence panel is the most she can do to diminish the noise and air output from the outside unit.

Ms. Roberts asked if the contractor would have gotten the necessary permits for this system when they installed it. Ms. Raber shared that review by Lakeside for A/C units is a fairly new thing and didn't require review until December 2018. She said the contractor who installed this said he was not aware that Lakeside had this requirement. She said she had no alternative but to beg for forgiveness and ask for approval after it was done.

Ms. Grentzer asked if Lakeside has to approve every time a unit is installed. Ms. Dale explained that any exterior modifications to a property typically require some sort of Lakeside review and approval. Ms. Dale said things such as landscaping, mechanical equipment, change of windows, change in materials such as a shingled roof to a metal roof, change of siding, doors, maybe even color, then review by Lakeside is required. Ms. Dale said if it's a like for like material, then typically not.

Mr. Fetzer asked if there was anyone with standing who wished to testify.

Jim Switzer, 526 Elm, Marblehead, Sr. VP of Lakeside Municipal Services was called upon and sworn in. Mr. Switzer said he was the one who had to contact Carol and let her know about Lakeside's requirements and processes. Mr. Switzer concurred that this has been quite a long process, but part of the reason it went from a 4' high fence to a 6' high fence and a solid fence is because there is a slope, or slight grade change that puts the A/C condenser above what would be a 4' high fence, so a 4' high fence would not be effective. Mr. Switzer said the 6' high fence has to be solid in order to be effective in noise reduction. He said Lakeside is absolutely in favor and in support of the variance request in hopes of satisfying her neighbor. He commented that the neighbor is not present here this evening to raise any other concerns, so we appreciate that as well.

Ms. Grentzer commented that this fence won't really be seen by anyone coming and going down the street, only this owner and the neighbor. She said the location is pretty remote. Mr. Switzer

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agreed and said it will not be along the entire side-yard, just one panel for the purpose of screening the A/C condenser.

There were no further questions from the Board. The chair asked Ms. Raber if there was anything more she'd like to say or add based on Mr. Switzer testimony. Ms. Raber said, no and that she appreciated him attending.

Ms. Dale also shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that the only item received was Lakeside Municipal Services recommendation for approval will be added to the file and entered as Lakeside Ex. 1. Mr. Fetzer asked if there was anyone with standing who wished to testify. Ms. Dale indicated that there was no one else on the Zoom meeting for this case.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Ms. Bauer. All were in favor and the motion carried. Ms. Roberts motioned to recess into executive session to deliberate the merits of the case. Ms. Grentzer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 5:52p.m. Ms. Dale reminded the applicant and attendees that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Bauer moved and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 6:06 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-088:

With regard to BZA-2020-088 being a request for an Area Variance to Section 5.5.8 to allow for a 6' high fence to be 100% opaque where 66% opacity is required for the property located at 660 Walnut Avenue:

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 for a single-family residence.
2. The request **is not** substantial because only one panel is being installed and not a whole fence along the north property line.
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 neighbor has requested such sound barrier and the fence will be landscaped as well to provide additional visual appeal.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The property owner indicates they **were not** aware the Township had zoning restrictions at the time they purchased the property.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because this particular fence was requested by the neighbor to help diminish any sound from a new A/C compressor unit.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the neighbor has requested the fence to minimize the sound impacts.

Mr. Shetler 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**.

Motion Seconded by Ms. Roberts. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair

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stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is July 15, 2020.

Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

The Board took a short recess because the remaining two cases of the evening were advertised to begin at 6:30p.m.

For the second half of the special meeting, those present were Mr. Josh Welfle, Mr. John Feick, Mr. William Williams, Mr. Roger Gilcrest and Mr. Jim Switzer. Ms. Dale reviewed some of the highlights of the meeting procedures since these attendees were not present at the beginning of the meeting. Meeting resumed at 6:32p.m.

**Adjudication Hearing
Case BZA #2020-082
602 E. Second Street
Gilcrest**

Request for an Area Variance to Section 3.5 to allow for a second story & covered porch addition to encroach into the west, front-yard setback (4' proposed/ 5' required) and to Section 7.12.3.A. to allow more square footage than permitted onto a nonconforming structure (289.2s.f. [20%] permitted/ 408s.f. [28%] proposed).

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. Shetler moved and Ms. Bauer 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 shared that the applicant is proposing to add a 5'7" x 9' 2.5" (51s.f.) first floor master bedroom addition, remove the existing rear deck and replace it with a smaller 9' 2.5" x 12' 11" (119s.f) covered porch addition and an 11' 5.5" x 20' 2" (238s.£) second floor, two-bedroom addition. The overhang, or closest point of the proposed covered porch and second floor addition will be 4' from the west, front-yard setback where 5' is required. The walls and foundation of the additions will be at the 5' setback. The existing house contains 1,446s.f. Twenty (20%) percent of this would allow for a 289.2 s.£. addition. The total amount of new square footage to be added, including the covered porch is 408s.f. or 28%. Other work to be completed includes a whole house foundation and adding a new uncovered stoop & steps off the front. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

Mr. Fetzer asked Mr. Gilcrest if he would be giving testimony or if his Agent would be. Mr. Gilcrest indicated that the Agent would be.

Josh Welfle, Feick Design Group, 224 Water Street, Sandusky was called upon and sworn in. Mr. Welfle reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he submitted. Mr. Welfle said the staff report reviewed pretty well what the variances are that they are requesting. He said the covered porch roof overhang will encroach 1' into the front-yard setback. He said they could pull the porch back so that the overhang meet's the setback, but it just wouldn't look right in relation to the rest of the house. He said there is an existing part of the house that already encroaches entirely into the setback and they are hoping the overhang on this new covering for the porch isn't a problem. Mr. Welfle said the other variances they are asking for are in regards to the square footage overage. He said the cause of the overage is primarily due to the porch being covered because the other additions otherwise meet the zoning limitation. He stated that there is currently a porch on the rear of the home, but it is uncovered. He stated his clients would like to renovate that porch but also cover it over even though it will be within the same footprint of the old porch. He pointed out on the site plan how part of the new closet and master bedroom addition actually takes up some of the space where the old porch was located, so that is the reason for the porch renovation and that the porch will actually be slightly smaller than it is currently. Mr. Welfle said they are over the allowable square footage by only 119 s.f.. He said the porch faces south so the sun is quite hot in the summer months and they would like to have it covered so it is more user friendly in the summer.

Mr. Fetzer asked if there was anyone with standing who wished to testify.

Jim Switzer, 526 Elm, Marblehead, Sr. VP of Lakeside Services was called upon and sworn in. Mr. Switzer said that on behalf of Lakeside and HP-DRB, they approved with design for proper aesthetics and support the variances.

There were no further questions from the Board.

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Ms. Dale also shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that the only item received was Lakeside Municipal Services recommendation for approval will be added to the file and entered as Lakeside Ex. 1. Mr. Fetzer asked if there was anyone with standing who wished to testify. Ms. Dale indicated that there was no one else on the Zoom meeting for this case.

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

Mr. Shetler motioned to recess into executive session to deliberate the merits of the case. Ms. Roberts seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:47p.m. Ms. Dale reminded the applicant and attendees that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Mr. Shetler moved and Ms. Grentzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 7:05 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-082:

With regard to BZA-2020-082 being a request for an Area Variance to Section 3.5 to allow for a second story & covered porch addition to encroach into the west, front-yard setback (4' proposed/ 5' required) and to Section 7.12.3.A. to allow more square footage than permitted onto a nonconforming structure (289.2s.f. [20%] permitted/ 408s.f. [28%] proposed) for the property located at 602 E. Second Street:

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 for a single-family residence and an addition is permitted.
2. The request **is not** substantial because the additions themselves essentially meet the setback requirements and only the overhangs will encroach into the required setbacks. Additionally, the additions will be no closer to the street than the existing house, which is nonconforming and currently sits with a 0' front-yard setback from the west property line along Peach Street. The variance is also not substantial in regards to the 20% limit because 8% of the overage is due to the rear covered porch which will not be enclosed, but per the definitions of floor area, since it is roofed over and could be enclosed in the future it must be included as part of the additions calculation.
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 proposed additions will be no closer to the street than the existing house nor will it be as high as the existing house and it will not be any closer to adjoining property structures than the existing house.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are existing to the property.
5. The property owner indicates they were not aware the Township had zoning restrictions at the time they purchased the property.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by providing an uncovered deck at the rear of the house instead of a covered porch to eliminate the need for a variance to the 20% addition limit. The enclosed, livable additions meet this 20% limitation, but they cannot feasibly obviate the issue of the overhang meeting the setback because the additions are aligning with existing exterior walls and the foundation support.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the encroachment of the addition is no more impactful than the existing house and the overage of the square footage is minimal, furthermore there is no negative impact to adjoining properties.

Mr. Shetler 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:

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- 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. Roberts. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is July 15, 2020.

Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

**Adjudication Hearing
Case BZA #2020-089
602 Lakefront
Williams**

Request to for an Area Variance to Section 3.5 to allow for a storage addition to encroach into the east, side-yard setback (2' proposed/ 3' required) and to exceed the allowable lot coverage (59.8% proposed/ 55% required). Also requesting a variance from Section 7.12.3.C. to allow for more than 75% of the floor area contained in the nonconforming structure to be demolished, removed or structurally altered.

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. Shetler 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 shared that the applicant is proposing to tear down and rebuild a previous rear addition in the same location, which will be 0' from the east, side property line. If this were the only work to be completed, it would be permitted because it is less than 25% of the floor area of the structure. The applicant is also proposing to add a 3' storage closet on the rear of the rebuilt addition. This storage closet structure will be 2' from the east, side property line where 3' is required. The applicant is also proposing 60.5s.f. addition to the footprint of the house and a 16.3s.f. covered porch addition. While these new additions meet the setback requirements, it causes an increase in the lot coverage (59.8%) which exceeds the maximum of 55%.

In addition to removing and rebuilding the back addition, adding additional space onto that area and creating a small covered stoop or porch, the entire house is going to be lifted and the foundation replaced. The roof structure is also going to be removed, raised higher and rebuilt. All new siding will be placed on the home. The existing front porch will remain enclosed but change from a screened-in porch to a space that can be used year-round with the porch screens being replaced with windows.

According to Section 7.12.3.C regarding Nonconformities: *A nonconforming use or structure which has been damaged by fire, explosion, act of God, or the public enemy or demolished, removed, or structurally altered voluntarily, to the extent of seventy-five (75) percent or more of the floor area contained in the building or structure at the time of damage shall not be restored, rebuilt or enlarged except in conformity with the regulations of the district in which it is located.*

Ms. Dale explained that the definition of Floor Area was also included in the staff report, but she was not going to read it all. The inside of the home is going to be completely remodeled, including repositioning of many windows. Essentially, 482 s.f. of the existing floor area has to remain intact while 1,445 s.f. could be modified. The tear down and rebuild at the rear of the house constitutes 12.1% of the floor area of the home. The applicant indicates that 58.6% of the floor area will be used in a similar manner, even though not necessarily in the same location within the house and 29.3% of the floor area will be used differently entirely. The shell of the home is essentially all that will remain. In just looking at the existing and proposed floor plans, it is evident that the house is to be gutted and 75% or more of the floor area of the home is being demolished, removed, or structurally altered, then take into account that the whole foundation is being replaced and the whole roof is also being removed and rebuilt. For these reasons a variance is needed to allow the applicant to modify more than 75% of the floor area of the house, without entirely tearing it all down and starting over, so that the house can remain as it is situated on the lot without having to conform to all current regulations of the district. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

Ms. Grentzer had a question, but Ms. Dale could not understand what she was asking.

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Mr. Fetzer asked Mr. Williams if he would be giving testimony or if his Agent would be. Mr. Williams indicated that he would and so would Mr. Feick.

William Williams, 602 Lakefront, Marblehead was called upon and sworn in. Mr. Williams reviewed the paperwork via the “shared screen” option from Ms. Dale’s computer and stated it was as he submitted.

John Feick, Feick Design Group 224 Water Street, Sandusky was called upon and sworn in.

Mr. Williams began the presentation and gave appreciation to the Board for all taking the time tonight to hear their appeal on the project. Mr. Williams started with a bit of history – his grant grandparents, the W.W. Williams Sr’s, had the cottage built in 1909. His now adult kids represent the 6th generation of Williams’s family members to have stayed at the cottage. Originally, the house did not have running water or electricity. For the last 110 years, the cottage has been utilized roughly May thru September, as it is just a summer cottage without insulation; and, many of the water pipes run on the exterior walls. Through the years, other than adding the annex to the south, the front porch extension to the west and changing out some of the windows, not much other remodeling work has been done. He stated he is 66 and stated he remembers the cottage through his lifetime as it is now. It remains a simple and very dated summer cottage.

The purpose of the project is to renovate the cottage and make it usable year-round. Mr. Williams said he is now retired and want to spend more of his retirement time in Lakeside. To do so, they are planning to make major renovations to the cottage to make it weather tight and suitable for year-round living by opening up the first floor to make the home more functional to meet today’s lifestyle needs.

Mr. Williams said they are here to request three variances, as Ms. Dale laid out, to allow them to proceed. As to the 75% alteration limitation, our calculation shows that 58% of the floor square area will be reutilized. However, as most of the interior walls are being changed, it is a substantial renovation, regardless of the results of one’s square footage calculation. A little background on the roof replacement. Our 7’ exterior 2nd floor walls will not accommodate 5’ double hung windows that meet today’s egress requirements, so those will be increased to 8’. In addition, our roof structure does not meet code as the joists are too small and are over spaced and sagging. He stated they are taking this opportunity to do it right, fix underlying issues and bring the cottage up to code.

Mr. Williams said none of the planned interior alterations will affect the nonconforming status of the house. The changes are being made to open up the first floor, as today’s rooms are small and not very functional, to allow a better room orientation to the lakefront and to provide living spaces more appropriate for today’s lifestyles, rather than those from 110 years ago. The issue could be obviated by doing the work over two construction projects, to stay under 75% each time, but that is not cost, design or time effective.

If the 75% variance would not be granted, Mr. Williams stated they end up in a Catch-22 situation. Danbury would then desire for the nonconforming cottage to be demolished and rebuilt within the current setback requirements. However, Lakeside for all practical purposes would most likely not approve a demolition. So, we would be stuck in no man’s land. Mr. Williams stated their lot is very small, only 30’ x 60’, greatly limiting what could be designed and built as a replacement. So that is really the crux of the issue.

Mr. Williams stated that he believes the important points to consider is that when complete, other than the south annex replacement and enlargement, the footprint of the home will remain as it is today. Thus, from a neighborhood perspective there will be minimal impact, other than drastically improving the appearance of the south annex. The main house will remain in the same place as it has for the last 100+ years.

Mr. Williams stated that they do have the full support of our direct neighbors and they are very excited, and Lakeside, as well has issued a Certificate of Appropriateness. Mr. Williams said they have made many changes in their plans to respect the historical guidelines of Lakeside, improve the property in appearance and functionality; and, at the same time, respect the character of the neighborhood. We believe that we ended up with a very appropriate design and would appreciate your favorable consideration of our requests.

Mr. Fetzer asked if Mr. Feick had anything more he would like to add. Mr. Feick said no.

Ms. Grentzer said over the years, they have seen where houses have been lifted off their foundation and only so much demolition was set to take place, but then it expanded to the point where nearly every exterior wall had to be or was removed. Ms. Grentzer asked with a 100+ year old house, if they have confidence in the structure, once lifted and doing all the interior work planned, that it will not cause a problem with any of the exterior walls. She said the concern is what has happened in the past when these structures are practically demolished.

Mr. Feick said he could answer this question. He said they have been through the house and down under in the crawl space, and quite honestly and surprisingly for as old as it is, is in extremely good structural condition. He said one of the things they find in a lot of these houses is rot, but the

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Williams' have taken care of this house; painted when it is supposed to be painted; leaks fixed when they needed fixed – the house is really in substantially good condition and as a result, they don't anticipate any work will be needed to the exterior walls other than the new siding that will go on which will be a little more maintenance-free. Mr. Williams said that the southern wall will remain other than the addition being replaced and they aren't ripping out half of the other walls, which he said he didn't think Lakeside would have let them do anyway. He shared another project that had taken place to the south of them last fall and how incredible it is that these homes are lifted in place and set back down on new foundations and they intend to use the same contractor for that work. Ms. Grentzer said she is hopeful that it works out as they have described, but also having seen what has happened in the past raises concerns for her. Mr. Williams said he understands and that is the last thing they want because their costs would escalate substantially.

Mr. Fetzer asked if there was anyone with standing who wished to testify.

Jim Switzer, 526 Elm, Marblehead, Sr. VP of Lakeside Services was called upon and sworn in. Mr. Switzer said Mr. Williams stole his thunder in mentioning that the lot is smaller than most Lakeside properties and Lakeside recognizes those challenges. To put it into conformance would add its own challenges to fit on a lot of this size due to parking requirements. Mr. Switzer said Lakeside has taking a lot of time to put together a Certificate of Appropriateness that they feel will still respect Lakeside and provide the Williams what it is they are wanting and Lakeside is pleased with this design. Mr. Switzer said he would like to address that others that have been lifted and either partially collapsed or removed more than needed; the most recent case last year, the quality of construction and style of construction were really factors. There weren't well built walls to begin with. This may be quite a different case as they have indicated and the example of the house to the south was nearly as old of a house and very successful in raising it and setting it back down while keeping it mostly intact. Having said all this, Lakeside welcomes investment in Lakeside and hopes it last another 110 years for this family.

There were no further questions from the Board.

Ms. Dale also shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that the only item received was Lakeside Municipal Services recommendation for approval will be added to the file and entered as Lakeside Ex. 1. Mr. Fetzer asked if there was anyone with standing who wished to testify. Ms. Dale indicated that there was no one else on the Zoom meeting for this case.

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

Ms. Roberts motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:47p.m. Ms. Dale reminded the applicant and attendees that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Roberts moved and Ms. Grentzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. The Board reconvened at 8:16 p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-089:

With regard to BZA-2020-089 being a request for an Area Variance to Section 3.5 to allow for a storage addition to encroach into the east, side-yard setback (2' proposed/ 3' required) and to exceed the allowable lot coverage (59.8% proposed/ 55% required). Also requesting a variance from Section 7.12.3.C. to allow for more than 75% of the floor area contained in the nonconforming structure to be demolished, removed or structurally altered for the property located at 602 Lakefront:

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 for a single-family residence whether remodeled or removed and rebuilt in conformity.
2. The variance request with regards to the setback and lot coverage **is not** substantial because the additions are no closer to the property lines than that of the house that currently exists. The variance request in regards to the 75% alterations **is** a much more substantial determination because of the extent of the work to be done all at once could result in the possibility of the entire structure being demolished.

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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 proposed additions will be no closer to the street or property lines than the existing house, additionally, if more than 75% or more of the floor area is altered, the placement of the structure will remain as it has for multiple generations and since the early 1900's.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are existing to the property.
5. The property owner indicates they **were not** aware the Township had zoning restrictions at the time they purchased the property because the property has been in the family for 4 generations.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by incorporating the storage closet into the design of the rear addition differently or shortening that space by 1' so as to meet the setback requirement. In regards to the alterations to the home and the 75% request, either not as much work could take place or done so in phases over the years instead of all at one time. Since the property is already over the allowable lot coverage, any addition improvements would require a variance to this requirement.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the footprint of the house remains the same.

Mr. Shetler 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) 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. Grentzer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is July 15, 2020.

Ms. Dale explained that the applicant from this case was now free to leave the meeting or they were welcome to stay on to watch the Board complete the rest of their regular business.

Approval of May 20, 2020 Board of Zoning Appeals Meeting Minutes

Ms. Roberts made a motion to approve the May 20, 2020 meeting minutes, Ms. Bauer seconded. All were in favor and the motion carried.

Signing of Decision Sheets

The Chair asked if the Board had the opportunity to review the Decision Sheets presented for the following case. Mr. Roberts motioned for approval of the decision sheet as presented. Mr. Shetler seconded. All were in favor and the motion carried.

- a. **BZA-2020-047 5935 E. Bayshore Road.** Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (2,304s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed) **Jason & Sarah Clemons, Owners/Applicant.**
- b. **BZA-2020-054 7316 E. Bayshore Road.** Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,920s.f. proposed). **Jeffrey Monaco & Joshua Blevins, Owners/Applicant; BEC Associates, Agent.**

Ms. Roberts stated that she would send the minutes and Decision Sheets around to everyone to sign via DocuSign and that Ms. Dale would end up with the final copy for the official records.

Old Business

There was none.

New Business

There was none.

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Other Business

Ms. Dale shared that the Trustees are not reopening the Township Hall for the month of July, so it is likely we will continue to hold meetings via Zoom. She said the Trustees would allow only Township Boards to hold meetings in the Hall and asked if the Board Members would prefer to meet in person. Consensus was that we should continue to hold the meetings via Zoom.

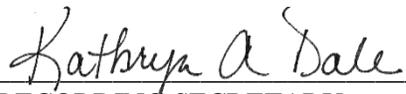
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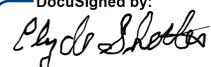
There were none.

Adjournment

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

The meeting was adjourned at 8:31p.m.


RECORDING SECRETARY

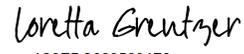
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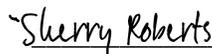
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