

Danbury Township Board of Zoning Appeals

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The Danbury Township Board of Zoning Appeals was called to order at 5:05 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. Lisa Bauer, Mr. Clyde Shetler and Ms. Sherry Roberts. Alternates, Mr. Gregory Huffman and Ms. Patty Zsigo were excused. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Nancy & Eugene Jacob, Marti & Nancy Wilburn, Joel McCutchen and 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 #2020-129
443 Walnut
Jacob**

Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [325s.f. (29%) proposed/ 223.8 (20%) allowed) and to Section 5.5.8 to allow a 6' high fence in the side-yard (4' high permitted).

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. Robert 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 add a roughly a 14' x 24' first floor master bedroom & bath addition onto the rear of their home. The existing house is nonconforming because it encroaches into the west, front-yard setback. The existing house contains 1,119s.f. Twenty (20%) percent of this would allow for a 223.8 s.f. addition. The total amount of new square footage to be added is 325s.f or 29%. The applicant is also proposing to install 24' of 6' high fencing along the south, side property line where only 4' high fencing is permitted. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

Eugene Jacob, Owner/Applicant, 443 Walnut, Marblehead, was called upon and sworn in. Nancy Jacob, Owner/Applicant, 443 Walnut, Marblehead, was called upon and sworn in. Mrs. Jacob reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as they submitted. Mrs. Jacob said she wanted to note for the record a small correction. She said there are 2 small bathrooms in the current cottage and this addition would include adding a 3rd bathroom by the new bedroom. She said the plans do show this, so it just may have been a misstatement, but she doesn't want to mislead anyone.

Mrs. Jacob stated she thinks their application is pretty clear and Ms. Dale's summary makes sense. It's a very small addition to add a 3rd bedroom so we can enjoy the cottage with our 2 adult daughters and their spouses and our soon to be 5 grandchildren. We are 1st generation Lakesider's and hope to continue the tradition, like so many other Lakesider's have appreciated in having our families there for many years. The addition is very small. If you look at the pictures of the layout and look at the neighbor's property to the north, it is not any bigger than the cottages nearby. The other variance is just for a 6' high fence for a portion of the property. That is because things have been a little bit difficult and we thought the fence would help reduce tensions between us and the neighbor.

Mr. Fetzer asked if Mr. Jacob would like to add anything. He indicated he did not.

Mr. Fetzer asked if and Board Members had any questions for the applicant. Mrs. Grentzer said she would just like to confirm that the plan she is looking at, that the yellow marking next to the proposed addition is illustrating where the 6' fence would go and that's the only amount that you are going to be installing, so the rest going towards the front of the house will remain open or remain as a 4' high fence. Mrs. Jacob said it will remain as a 4' high fence. There is not a fence there now.

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

Mr. Jim Switzer, 526 Elm, Marblehead, Sr. VP of Lakeside Services indicated he would like to speak and was sworn-in. Mr. Switzer stated that on behalf of the Lakeside Association and the

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Municipal Services Committee, had approved and supports this variance request for both the addition and the fence. He said they just wanted to make sure their voice was heard on this application. Ms. Dale said to note for the record, that Mr. Switzer did submit the MSC request for deviation approval form they require which will be attached to this file as Lakeside Ex. 1.

Ms. Dale suggested calling upon each person on the Zoom feed to see if they would like to speak. Ms. Nancy Wilburn & Mr. Joel McCutchen indicated that there was nothing they would like to add. No one else on the Zoom meeting for this case and there were no letters submitted.

There were no further questions from the Board.

Mr. Shetler made a motion to close the public comment segment of the hearing, seconded by Ms. Roberts. 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 5:25p.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. 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 5:34p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-129:

With regard to BZA-2020-129 being a request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [325s.f. (29%) proposed/ 223.8 (20%) allowed) and to Section 5.5.8 to allow a 6' high fence in the side-yard (4' high permitted) for the property located at 443 Walnut:

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 addition meets the setback and all other zoning requirements. The fence request is also not substantial because the proposed 6' high fence will not run the entire length of the side yard.
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 further back to the rear property line than some of the structures on adjoining properties, all setbacks are met, exceeding the minimums, and again the fence is for just a portion of where the rear yard is located.
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 states that they **were not** aware of the 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 reducing the size the of addition by 100s.f. and lowering the height of the fence.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because the size of the addition no more impactful than existing homes, the fence is only slightly higher than the neighbor's lattice/trellis and it's the minimum amount needed to accomplish a reasonable goal to improve the living arrangements.

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) (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. 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

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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 August 19, 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.

**Case BZA #2020-130
177 S. Bridge Road
Schmidt**

Ms. Dale announced that this case was requested by the applicant to be postponed for 1 month until the August 19, 2020 hearing date because they will be modifying their request and it will need to be readvertised.

**Case BZA #2020-090
1696 Jeannie Drive
Henderson**

Ms. Dale announced that the case was withdrawn earlier in the day. The bridge has been removed.

Ms. Dale explained that the next two cases were advertised that they would begin at 7:00p.m., so the Board needs to make a motion to recess until then. She explained that Board members were free to sign off from the meeting, but they would then have to log back in later, or she could disable their audio and video, but they likely would not be able to use their devices they are logged into for other usage during the recess. Ms. Dale stated she would monitor whether anyone for the Henderson case logged in around the 6:30p.m. start time for that case, that may not have been aware of the withdrawal.

Mr. Fetzer asked for a motion to recess until 7:00p.m. Ms. Grentzer made the motion, 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 5:40p.m. Ms. Roberts disconnected entirely. The remaining Board Members and Mr. Switzer also remained logged in during the recess.

Mr. Fetzer asked for a motion to reconvene from recess. Ms. Roberts moved and Ms. Grentzer seconded the motion. 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 7:00p.m.

Ms. Dale noted for the record that the following visitors were present: Mr. Jim Switzer, Mr. Clay Tice, Mr. John Feick and Mr. David Workman.

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

**Adjudication Hearing
Case BZA #2020-137
9440 Northern Avenue
Tice**

Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [2,008s.f. (115%) proposed/ 348s.f. (20%) allowed).

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. Robert 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 2-story 24' x 36' attached garage addition onto the existing home. The existing house is a corner lot and nonconforming due to the house encroaching into both front yard setbacks. The existing house contains 1,740 s.f. Twenty (20%) percent of this would allow for a 348 s.f. addition. The total amount of new square footage to be added, including the covered porch is 2,008 s.f. or 115%. As an observation; the plans do show 3 bedrooms, a full bath & a rec room on the second floor of the garage addition. While there is no kitchen shown at this time (not to say it couldn't be added later), two-family residences are a Conditional Use in this zoning district, and a different hearing proceeding would be necessary if it is the intent of the homeowner to create a duplex. This has not been expressed that this is their intent, but the space will not be permitted to be rented out for periods of less than 30 days or occupied by another unrelated family unless they are personal friends. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

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Ms. Grentzer said she had a question for Ms. Dale. When she notified the adjoining owners, do they also get a copy of the site plan? Ms. Dale said no, they only receive a post card, which has information on how they can view the application.

Clay Tice, Owner/Applicant, 9440 Northern Avenue, Marblehead, was called upon and sworn in. Mr. Tice reviewed the paperwork via the “shared screen” option from Ms. Dale’s computer and stated it was as he submitted. Mr. Tice stated that his family and his brother’s family started going to Lakeside approximately 30 years ago. Every year that we would have a family vacation, we really enjoyed Lakeside and have built many, many memories from our kids when they were young until now. When we had the opportunity here a couple of years ago, we found this house and fell in love with it. We had actually looked at many home inside Lakeside, but realized what a beautiful property this was. It had a lot of attributes, the double lot, the house, the garage, so we purchased the house. My daughter, son-in-law and son, we come to the house often together. It is a 4 bedroom home and with 6 of them there and a grandchild, what we are looking at doing is with this addition since we spend so much time here altogether; with twins on the way, is to have a little extra room. Mr. Tice said they have no interest in renting the house. He said they have family friends, his brother and his sister who live a couple hours away who like to come up on a weekend and stay with them, which saves them then from having to get a hotel.

Mr. Fetzer asked if and Board Members had any questions for the applicant. Ms. Roberts said one of her questions is, you’re talking about a 2-story attached garage, correct? Mr. Tice said that was correct. Ms. Roberts asked if bedrooms are going to be in there. Mr. Tice said on the second floor, yes – there are 3 bedrooms proposed. Ms. Roberts saw the floor plan and said it also includes a full bath. Mr. Tice said yes. Ms. Grentzer confirmed they already have 4 bedrooms in the main house. Mr. Tice said yes. She asked how many bathrooms. Mr. Tice said 1½ baths in the main house. Right now he and his wife use a room, his daughter & son-in-law use a room, his son then has a room and they have given the 4th bedroom to their granddaughter to use.

Ms. Grentzer said if they are going to have these 3 other bedrooms above the garage, why the need for the big den also? Mr. Tice responded that some of it will be storage space and a rec room for a ping-pong table, foosball table and maybe a pool table if one will fit. We’ll have some chairs up there as well just to be able to enjoy each other’s company and play games. The house itself, while it’s a larger home, it doesn’t really have a place to really get everyone together where we can play some of those games we enjoy.

Ms. Roberts said she had a question for Ms. Dale. Last year or the year before, we were dealing with a large garage and we were concerned it would be used....let me backtrack a little. He can build this garage as commercial garage. Ms. Dale said not in this case because the zoning is “R-2” which is strictly residential. Some properties that are in “R-C” can do that because it’s a commercial zoning district. Ms. Roberts said she thought there was an issue about making bedrooms above a garage. Ms. Grentzer said she thought that too. Ms. Dale said she doesn’t recall the case Ms. Roberts might be talking about, but just last month or two months ago we had a case where they had a couple of bedrooms above the garage, but they were also putting in a full bath and a full kitchen within their family room space. She explained that was a bit more concerning because it had the means to be a fully functioning separate dwelling unit. Ms. Roberts said there is no issue then with building a garage and having living space above, why isn’t this just referred to as adding onto the house? Ms. Dale said this is considered an addition, but the issue here is that, and her point in the analysis is; if the goal was to add on a garage – okay, but now we’re also asking to further exceed the 20% limitation to accommodate now living space as well. Ms. Dale said maybe she didn’t understand when this application came in; the way the architect presented it was that they were putting on a garage addition to replace the old run down garage, but to her, this is much more than just a garage addition. Ms. Dale said maybe she’d just a bit confused on what the goal really was and misunderstood. Because this will be connected to the main house, yes they are allowed to then have living space above a garage, but the issue is exceeding the 20% addition limitation. Ms. Roberts said that this looks like this has moved on to more of an addition onto the home rather than just a garage. Ms. Roberts asked how big the garage is that is there now. Mr. Tice said it is a single-car garage. This issue is with the garage, and he is unsure of how old the garage is, but it’s in pretty bad shape. It leans to the east and also leans north. He said it actually has a garage door on it that he doesn’t understand how it operates, but it does. He said that was the reason for constructing new garage, but at the same time, wanting to have a second floor to accommodate family and friends.

Ms. Grentzer asked Mr. Tice if by chance he were to be denied, if he would make something smaller than this with just bedrooms and no rec room. Mr. Tice said that he would only like to say at this time it would be kind of hard because when they look at the bedrooms in the main house, and he doesn’t have the exact measurements available – but he would really like to move forward with this design only for the fact that it would accommodate what they are trying to do with a larger family that we’re coming into and also to have enough space when we end up putting the cars in the garage and utilize the other space above it. Ms. Grentzer asked if they had any neighbor reactions. Mr. Tice said

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he has shown the drawing to the Townsend Beach Homeowners Association President, as well as all the other association board members. Ms. Grentzer said she's talking about neighbors. Mr. Tice said the Association President is a neighbor next to him; Andy Planet, the neighbors across the street have seen it and have no issues, the neighbors right beside him, Margaret Stellhorn have seen it, as well as Ray & Carol Wise and Tom & Kathy Dearth and no has any issue with this and they all said they received the card notifications. Mr. Tice said the way this will sit on the property it is kind of tucked away in the corner so it doesn't block anyone's view of the lake.

Ms. Roberts asked how this house got to be nonconforming to begin with. Ms. Dale said Townsend Beach is a very old subdivision that pre-dates zoning, so the house was very much likely there at the time zoning was adopted. Mr. Tice said from his understanding the house may have been built in 1870-something and was the original homestead for all the land back here.

Ms. Grentzer asked Mr. Tice if the den area were to be removed so they still had the bedrooms and bath upstairs if that would still be acceptable. Mr. Tice said he doesn't know what that would look like. Mr. Tice said he again would like to see it built as-is because part of it, specifically where the den/storage area is going to be is going to be tucked behind the existing house. Ms. Grentzer asked if he has any storage area now. Mr. Tice said they do not, all they have now is the existing garage.

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

There were no further questions from the Board.

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

Ms. Roberts motioned to recess into executive session to deliberate the merits of the case. Mr. Shelter 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 7:24p.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. Bauer 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 7:54p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-137:

With regard to BZA-2020-137 being a request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [2,008s.f. (115%) proposed/ 348s.f. (20%) allowed) for the property located at 9440 Northern 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 as a single-family residence and some sort of addition and improvement is allowed to be made.
2. The request **is** substantial because it is more than double that of the existing house and far exceeds what would be permitted.
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 addition will be in keeping with the style and size of the existing home and the proposed addition meets the setback and lot coverage 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 states that they **were** aware that there was zoning in the Township.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by reducing the size of the addition.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because all other zoning requirements will be met.

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) (3) (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. Bauer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Grentzer – no; Ms. Bauer – yes; Ms. Roberts – no; Mr. Fetzer – yes. Vote 3-2 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 August 19, 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 Chair asked Mrs. Dale to introduce the last case of the evening.

**Adjudication Hearing
Case BZA #2020-138
432 E. 2nd Street
Workman**

Request to for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, side-yard setback (0’ proposed/ 3’ required), east, side-yard setback (1’6” proposed/ 3’ required), and to exceed the allowable lot coverage (58% proposed/ 55% required). Also requesting an Area Variance from Section 7.12.3.A to exceed the allowable addition square footage onto a nonconforming structure (705.04 s.f.; 38% proposed/ 394.2 s.f.; 20% 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. Robert 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 add:

- A 3’11” x 29’6” (231s.f.) 1st & 2nd story on the north, front of the house (extension of the front porch),
- A 2’ x 15’ 11” (32s.f.) 2nd story addition (inset under existing roof of 2nd story porch),
- A 21’ 6” x 21’3.5” (457s.f.) 2nd story addition at the back of the home over the existing rear single-story, and
- A small 1’2.5” x 12’ (14s.f.) 1” floor addition at the SW corner of the house so as to square it up.

The addition and overhang of the north, front house addition will encroach into both the west, side yard setback (0’ proposed/ 3’ required) and the east, front-yard setback (1’6” proposed/ 5’ required). All other additions meet the setback requirements. The front porch extension increases the lot coverage from 52.7% to 58% where 55% is the maximum allowed. The existing house is nonconforming due to encroachment into the front-yard setback along Vine and the west, side-yard. The existing house contains 1,971s.f. Twenty (20%) percent of this would allow for a 394.2 s.f. addition. The total amount of new sq. ft to be added is 736s.f. or 37.3%. Ms. Dale concluded by reviewing the Duncan Standard decision criteria the Board would be considering during their deliberations.

Mr. Fetzer asked Mr. Workman if he would be giving testimony or if his Agent, Mr. Feick would be. Mr. Feick indicated that he would be and then if Mr. Workman would like to add anything more he could be sworn in.

John Feick, Architect/Agent, 224 W. Water Street, Sandusky, was called upon and sworn in. Mr. Feick reviewed the paperwork via the “shared screen” option from Ms. Dale’s computer and stated it was as he submitted. Mr. Feick stated this is a typical house in Lakeside from the standpoint that the house is not conforming. What is unique about this house is that it was originally built in 1883 on a lot about 5 blocks to the west and was move to this location, but we do not have the timeframe on when it was moved. When it was in the downtown location, it appeared to have a large 2-story addition on it to the rear, the pictures are not real clear, but that’s the information the Workman’s have been able to obtain from the archives in Lakeside. When we first started working on this house, the original intent was we wanted to be able to have a wider front porch. The front porch now is wide enough for a chair but then it’s difficult to get around. As close as it is to the street, which is a very busy street, they wanted to keep the porch open so they can converse with people as they walk by. The design review board in Lakeside likes the idea of open porches. This particular porch does have a high railing and the design review board is allowing us to remove that to keep the porch more open. We’ll be able to have 4-5 chairs across and they will be able to move around better without having to get off the porch. Mr. Feick shared that the bedrooms in the house are on the small side. The 2nd floor bedroom on the front, the

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only way to open the door to get out onto that porch is to either move the bed or turn it so the doors will open. The doors are actually split from top to bottom so that the doors can be open from the top part but not the bottom so that air can get it. Our intent was to add 2' to the front of this bedroom so that the bed can remain in place so the doors can open and the occupant can have access onto the porch. The other bedroom is also on the small size without closets, there is a small bathroom and shower and a dryer. Mr. Feick said the intent of the addition onto the back is to have slightly larger bedrooms for the Workman family that has 4 kids. As the kids are getting older, both male and female, they basically want to have a room for each so the kids aren't sharing. The idea was to square it up on top of the downstairs so there is a small addition to what is existing on the 1st floor family room. Everything, as far as what we have looked at, it's a very small lot and a small house. The house, the Workman's have had it for about 5 years and it does need quite a bit of upgrading. They have a lot of issues with the structure that needs repair. It will have a whole new foundation, but they will not be raising the house up out of the ground than what is there now so everything stays easy to access the porches. Mr. Feick said the property has been surveyed to make sure they were on the property because everything is so tight. When this is done, the front of the house will be in-line or just slightly behind all the other houses along 2nd Street. He said they did present to the Lakeside Design Review Board for 2 months to discuss this project and they would like to keep the look as-is. The agreement is we're actually going to cut the front off and move it forward 3'11" and then fill in behind it so if you look at the house today, and come back a year from now, you won't know that anything has changed other than the porch rails. So that is basically what's happening, a lot of changes into the interior but the exterior is going to look very much like what is there now.

Mr. Fetzer asked if and Board Members had any questions for the applicant. There were none.

Ms. Dale asked if Mr. Workman wished to add anything more. He indicated he would.

David Workman, 432 E. 2nd Street, Marblehead was sworn in. Mr. Workman stated his wife Meredith has been coming to Lakeside all of her life and her family has had a home in Lakeside since the 1950's, which was sold in 2014. It made her realize just how much she missed Lakeside now that we live out in Arizona where we moved in 2012. We made a decision in 2015 to buy this home as a means to keep a connection to Ohio and making sure our 4 children love NE Ohio the way we did, not just because it was a place we grew up but because it's a place they can continue to return to. Mr. Workman said they come twice every summer and their goal is to provide a safe and lasting home for their family to enjoy for generations, not just us, but for our children and grandchildren someday. One of the questions about the front porch and one of their concerns was that a lot of people use the current railing as a seat, and we are very concerned that people will fall off of it and injure themselves. Plus it's up a little higher and having more space on the porch will allow people to sit properly in actual chairs. Mr. Workman said one of the concerns with the upstairs porch and bedroom; the door is currently split vertically so that it can bi-fold to get past a dresser and the bed. This is a safety concern for us if there were ever a fire or emergency of trying to get out of the house. The tightness of that room and being able to access the exterior is concerning. Mr. Workman said they have a large family with 4 kids, he has 3 siblings; 2 are still in Ohio and which they have kids. Often times when we are at this house, they come in and there are 14-18 people of our immediate family staying the night. We currently can sleep 12 comfortably, so the addition of the bedrooms allows our family to see cousins and grandparents who our kids never get to see except when we are at Lakeside. It has also become the place where extended family gathers. We used to have family reunions in Mansfield and Canton areas, but since the matriarch, his grandmother passed, people are wanting to come to Lakeside. With the size of the house, it's been challenging to accommodate the 20-plus people who want to come see us. Mr. Workman because to conclude stating that these variances will allow their family to have a safer and long-lasting home that will serve their purposes for generations. From the community standpoint he said they do rent the home because they don't live in Ohio and only get to use it a couple of weeks a year and Lakeside does not have inventory of large homes that can sleep multiple families or large groups under one roof. This extra space will serve the Lakeside community and people who come here and rent the homes and allow families to be together.

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

Mr. Jim Switzer, 526 Elm, Marblehead, Sr. VP of Lakeside Services indicated he would like to speak and was sworn-in. The Lakeside HP-DRB process was quite extensive and working with the Workman's has been quite a pleasure compared to other 100+year old homes. Their intent to restore this is and to go the extra mile is a model for others in Lakeside. On behalf of the Lakeside Association the MSC has asked he attend to support the variances before the BZA this evening. The HP-DRB reviewed this June 6th and fully support the request before this Board and look forward to this project.

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

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crises situation. She reported that no letters or emails were received. Ms. Dale indicated that there was also no one else on the Zoom meeting for this case.

Ms. Bauer made a motion to close the public comment segment of the hearing, seconded by Mr. Shelter. 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 8:22p.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 Mr. Shetler 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 8:30p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2020-138:

With regard to BZA-2020-138 being a request for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, side-yard setback (0' proposed/ 3' required), east, side-yard setback (1'6" proposed/ 3' required), and to exceed the allowable lot coverage (58% proposed/ 55% required). Also requesting an Area Variance from Section 7.12.3.A to exceed the allowable addition square footage onto a nonconforming structure (705.04 s.f.; 38% proposed/ 394.2 s.f.; 20% required) for the property located at 432 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 some form of an addition would be allowed.
2. The request with regards to the setback **are not** substantial because the additions are no closer to the property lines than that of the house that currently exists. The increase to the 20% addition limitation, is also **not** substantial because the rear 2nd story addition on its own would still require a variance and the increase to lot coverage is minimal.
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 the style and look of the house will remain as it has.
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 they **were not** aware of the zoning restrictions at the time they purchased the property because they have never done any improvements that required zoning review.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance due to the age of the house, the existing placement of the house and to make better utilization of the living space.
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. 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 August 19, 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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Old Business

There was none.

New Business

There was none.

Other Business

Ms. Roberts asked everyone to get the decision sheets that were approved at last evening meeting signed. She asked that they double check their emails.

Adjournment

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

The meeting was adjourned at 8:41p.m.

Kathryn A Dale
RECORDING SECRETARY

DocuSigned by:
Joseph Fetzner
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DocuSigned by:
Phyllis Shetler
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DocuSigned by:
Lisa Bauer
4235FECB4D61445...
DocuSigned by:
Loretta Gruntzer
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DocuSigned by:
Sherry Roberts
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