

Kathryn A. Dale, AICP
Zoning & Planning Administrator

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DANBURY TOWNSHIP ZONING DEPARTMENT

2020 ANNUAL REPORT (January 1 – December 31)

Board of Zoning Appeals

Loretta Grentzer
Lisa Bauer
Sherry Roberts
Joseph Fetzer
Clyde Shetler
Greg Huffman
Patty Zsigo

Township Trustees

Dianne Rozak
John Paul Dress
David Hirt

Zoning Commission

Jodi Kopanski
Richard Kracer
Vito Kaminskas
Michael Brown
Robert Strauss
Susan Dress
John Basilone

About the Zoning Department

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

Goals & Accomplishments from 2020

Goal: Conduct Board & Commission Member Training

In March 2020, Covid-19 hit and thus no large gatherings were encouraged. The ability to safely hold any sort of training in person was not viable. This goal will roll over into 2021 provided the Covid-19 virus has subsided.

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

The Zoning Commission prioritized the goals and strategies from the Land Use Plan into immediate, short-term, long-term and on-going categories. For 2020, the Commission focused on the following:

- T 1.13. Require greater off-street parking setbacks from public roadways to ensure adequate visibility.
- ED 1.2. Encourage light industrial development.
- ED 1.3. Diversify employment sectors so as not to be dependent on just a few industry types.
- ED 2.1. Understand the changing tourism attractions and economy and ensure zoning allows for new uses.
- ED 2.4. Encourage light manufacturing or production in commercial zones that omit little to no noise or emissions.
- Better define difference in Storage uses.
- Review implementing Solar Fields.
- Review Commercial Setbacks.

In November 2020, the Commission initiated text amendments that would expand permitted and conditional uses in all of the zoning districts. Many of the uses needed to be defined so there was extensive updating to the definition section of the zoning resolution, which also addressed the storage definition concerns. An analysis was conducted on what the existing, actual setbacks were for commercial properties along major thoroughfares and the regulations were adjusted and reduced to coincide with what actually exists. Side and rear setbacks for commercial property adjoining residential properties were increased.

There were many other minor modifications made throughout for clarification purposes that did not create any major contextual issues that weren't already being practiced. These included listing accessory uses allowed in the LBO zoning district and parking lot setbacks from property lines and cross-reference to Landscaping and Buffering requirements previously adopted. There was also a minor modification to the signage requirements to re-include language that was erroneously left out in 2019 during a previous text amendment.

2021 Goals

- Study the impacts of "R-C" Recreational Commercial zoning district on residential properties.
- Review Accessory Building heights and size ratio to lot size.
- Conduct training for BZA & ZC Members.

Litigation

Ottawa County Court of Common Pleas 2019 CVF 491

6th District Court of Appeals 2020 OTE 008A

Gregory Johnson vs. Danbury Township Board of Zoning Appeals (and other County Agencies)

An appeal was filed 12/21/2019 with the Ottawa County Court of Common Pleas by Mr. Johnson in regards to a complaint he had registered regarding his neighbors fowl allegedly damaging his property. He appealed the Township Staff (and County Staff) response to his complaint concerns directly to the court as opposed to going thru the Board of Zoning Appeals or any other quasi-judicial adjudication proceeding. On 04/03/2020, Judge Winters denied and dismissed Mr. Johnson's case, essentially citing that the proper appeal process was not followed and the Court had no jurisdiction since no quasi-judicial proceeding had occurred. Mr. Johnson filed an appeal of the lower court's decision on 05/01/2020. Due to the Covid-19 pandemic there has been a delay in the process of these cases and the case is still open, pending a decision from the 3-judge panel.

Lucas County Court of Common Pleas CI 0201902493

6th District Court of Appeals L-19-1210

Lynne Hamer & Gregory D. Johnson vs. Danbury Township Board of Zoning Appeals

In February 2019, the Appellants filed a conditional use for a bed & breakfast at their property which was denied by the Board of Zoning Appeals. The Appellants filed a 2506 appeal of that decision to the Lucas County Court of Common Pleas on 05/20/2019. Lucas County ruled that they were not the proper jurisdiction since Danbury Township is not a political subdivision in Lucas County, rather it is located in Ottawa County, Ohio. In September 2019, the Appellants further appealed the lower court's decision to the 6th District Court of Appeals. Due to the Covid-19 pandemic there had been a delay in the process of these cases, however, on June 5, 2020 the 6th District Court of Appeals affirmed the lower court's decision.

2468 Cook's Dock – Junk Vehicle

A 2nd complaint was filed April 2020 at Municipal Court for continued violation from a 2019 case involving an uncovered junk vehicle in the rear yard. Hearing was scheduled for May 6, 2020 and the owner was found guilty again with an order to correct the matter by May 20, 2020. Owner failed to meet the Court's requirement and additional complaints were filed with the Court. Ultimately the vehicle was removed in accordance with the Court ruling in June 2020 by the property owner.

248 Erie Beach – Junk & Debris

The property owner was cited in April 2020 for junk vehicles, misc. junk and debris and too many recreational vehicles on the property. The owner failed to comply and was taken to Municipal Court in July 2020. Owner plead not guilty and a bench trial was scheduled in August, where he was found guilty and given until October to clean the property up and come into compliance with Zoning. He failed to do so and has since had show-of-cause hearings and is working with the Municipal Court Probation Department to come into compliance.

1802 Bayview – Scrapping, Junk & Debris

This property and the occupants are known for continuously scrapping from the property. A complaint was filed with Municipal Court in September 2020. Multiple hearings were held, ultimately negotiating with them to enter into a diversion program, which the Court permitted, ruling they must be law abiding for 2 years. Should they fail to do so, then they essentially are found guilty, should it be warranted without a hearing and subject to whatever sentence they would be given. Should they comply entirely, all charges would be dropped.

Abatements

7597 E. Harbor Road – Dilapidated Structure - Barn

Owner voluntarily removed the structure completely by July 2020 after the Township cited them for having an abandoned, unsafe, unfit structure on their property.

7857 E. Harbor Road - Dilapidated Structure – House

Owner voluntarily removed the structure completely by the end of January 2020 after the Township cited them for having an abandoned, unsafe, unfit structure on their property.

280 Springcrest – Junk & Debris

The property was being foreclosed on and the owner was no longer living there. However, relatives to the property owner were occupying the house and stripping the house, leaving appliances, furniture, personal belongings and other items strewn across the yard. The initial citation was made in February 2020. After months of contact with the occupants and ultimately putting pressure on the bank to remove the residents, an emergency order was approved thru Ottawa County Court of Common Pleas permitting the bank to enter the premises and clean it up in October 2020.

9955 E. Bayshore Road – Tall Grass

In June 2020 the parties of interest were contacted regarding waist-high grass on the property. The owner was deceased and the next of kin refused to maintain the property since they did not have legal possession of the property. The property was abated by the Township in July 2020 and again in October 2020.

Board and Commission Activities

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

The **Board of Zoning Appeals** took action on 39 cases (31 in 2019) as follows:

Case# 2020-005	63 Erie Beach	Colette Twarek	Area Variance	Approved
Case# 2020-006	240 Tibbels	Ed & Diane Veley	Area Variance	Approved
Case# 2020-009	7487 E. Harbor Road	Rock Harbor Cottages	Conditional Use	Approved
Case# 2020-018	8682 E. Bayshore	Christopher Overmyer	Area Variance	Approved
Case# 2020-019	408 Lynn	Don Leach	Area Variance	Approved
Case# 2020-038	198 Leddy	William Beckman	Area Variance	Approved
Case# 2020-047	5935 E. Bayshore	Jason Clemons	Area Variance	Approved
Case# 2020-054	7316 E. Bayshore	Jeffrey Monaco	Area Variance	Approved
Case# 2020-082	602 E. Second Street	Roger & Patti Gilcrest	Area Variance	Approved
Case# 2020-083	250 201 Elizabeth	William Beatty	Area Variance	Approved
Case# 2020-088	660 Walnut	Carol Raber	Area Variance	Approved
Case# 2020-089	602 Lakefront	William Williams	Area Variance	Approved
Case# 2020-090	1696 Jeannie Drive	John Henderson	Area Variance	Withdrawn
Case# 2020-111	186 Sunnysdale	Jeannie Pruitte	Area Variance	Approved
Case# 2020-117	7618 E. Bayshore #26	Beverly Kuenzli	Area Variance	Approved
Case# 2020-126	341 Willowdale	River Roubaix	Area Variance	Approval
Case# 2020-127	327 Shrock	Dennis & Diane Pamer	Area Variance	Approved
Case# 2020-128	255 Hamilton	Kevin Clere/Cerny	Area Variance	Approved
Case# 2020-129	443 Walnut	Eugene & Nancy Jacob	Area Variance	Approved
Case# 2020-130	177 S. Bridge	Nate Schmitt-Lakeshore	Area Variance	Approved
Case# 2020-137	9440 Northern	Clay & Becki Tice	Area Variance	Approved
Case# 2020-138	432 E. Second	David Workman	Area Variance	Approved
Case# 2020-166	7957 Riedmaier	James Rudolph	Area Variance	Approved
Case# 2020-169	185 Lynn	Gary Pierce	Area Variance	Approved
Case# 2020-171	163 Vine	Ralph Oxley	Area Variance	Approved
Case# 2020-172	2027 Arlington	Kenneth Ensmann	Area Variance	Approved
Case# 2020-174	466 S. Church	Richard Henry	Area Variance	Approved
Case# 2020-175	8456 E. Bayshore	Sharon Polanco	Area Variance	Approved
Case# 2020-196	5686 E. Harbor Rd #1A	Samantha Puckett	Conditional Use	Approved
Case# 2020-205	8582 Billings	Fred & Julie Reinhart	Area Variance	Approved
Case# 2020-229	6813 E. Bayshore	Daniel Minter	Area Variance	Approved
Case# 2020-234	6826 E. Bayshore	Brian Priore	Area Variance	Approved
Case# 2020-238	319 Erie Beach	Scott Semmelroth	Area Variance	Approved
Case# 2020-240	1070 N. Buck Road	Spencer – Purple Parrot	Area Variance	Approved
Case# 2020-242	432 Lakefront	Mitch Grindley	Area Variance	Partially Approved
Case# 2020-260	904 E. Fourth Street	Donna Edwards	Area Variance	Approved
Case# 2020-266	228 Leddy Lane	Thomas Warner	Area Variance	Approved
Case# 2020-280	425 Walnut	John Slager	Area Variance	Approved
Case# 2020-285	335 Central	James Morrow	Area Variance	Approved

The Board of Trustees reappointed Sherry Roberts as a regular BZA member with a term to now expire 12/31/2025. The BZA was able to hold the first 5 cases in person before Covid-19 shut down normal operations. Since April, the BZA heard and held all the remaining 34 hearings remotely via the Zoom conferencing platform.

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The **Zoning Commission** 6 cases in 2020/ 5 were heard (6 in 2019), as follows:

Case# ZC-2019-233 **7356 E. Harbor Road. Map Amendment** from “R-2” Suburban Residential to “R-C” Recreational Commercial for PIN# 0141178715753000 (Sec. 2, Pt. of Lot 18 Firelands Survey) consisting of approximately 0.63acres. **Herbert Beidel, Sr. Owner & Applicant/ Don Lombardy, Agent.**

Withdrawn– ZC
N/A – Trustees
Resolution No. N/A
Effective – N/A

Case# ZC-2020-143 **0, 419 & 479 S. Lightner Road.** Request for a Map Amendment from “A” Agricultural to “R-C” Recreational Commercial for PIN# 0141174415277000 (Sec. 4, part of Lot 16 NW Corner 70’x 125’ Firelands Survey – 0.200ac.), 0141866525006000 (35.543acres) & 0141866525006001 (7.324ac.) (both Sec. 4, part of Lot 16 Firelands Survey) consisting of 43.067 total acres. **Francisco & Pamela Davis-Guerra, Owner/Applicant; R. Brian Hunt, Owner/Applicant; Holly Hunt, International Animal Exchange/ Agent; Rod Gillespie, BEC Associates/Agent.**

Approval– ZC
Approval – Trustees
Resolution No. 17-2020
Effective – 10.09.2020

Case# ZC-2020-206 **E. Bayshore Road (SE Corner of S. Danbury N.).** Request for a Map Amendment from “A” Agricultural to “C-2” General Commercial for PIN# 0140828430281000 (Sec. 4, part of Lot 20) consisting of 5.311 total acres. **Timothy Feller, Owner/Applicant.**

Approval– ZC
Approval – Trustees
Resolution No. 21-2020
Effective – 12.10.2020

Case # ZC-2020-244 **9605 E. Bayshore Road.** Request for a Map Amendment from “R-3” High Density Residential to “R-C” Recreational Commercial for PIN# 0141903031583000 (Sec. 1, Lot 9) consisting of 0.76 total acres. **Dean & Ann Rader, Owner/Applicant.**

Denial– ZC
Denial– Trustees
Resolution No. 25-2020
Effective – N/A

Case # ZC-2020-248 **0 Bayshore Road.** Request for a Map Amendment from “A” Agricultural to “C-2” General Commercial for part of PIN# 0141160415534000 (Sec. 4, Lot 20) consisting of 17.665 total acres, but 11.25 acres to be rezoned. **Daniel Jadwisiak & Nancy Bailey, Owners/Applicants.**

Approval– ZC
Approval– Trustees
Resolution No. 24-2020
Effective – 12.24.2020

Case # ZC-2020-269 **Text Amendments** to add new definitions to Section 2.2, expand Permitted and Conditional Uses listed in Section 3.4 Use Matrix, Reduce Commercial front-yard setbacks in Section 3.5 District Requirements and increase setback requirements for Commercial Zoning Districts that abut Residential Zoning Districts and lower maximum building height requirement in Manufacturing Zoning Districts. Add new Section 4.18 establishing Use Standards for Solar Field or Farm, modify Section 5.2.4 clarifying permitted accessory uses in the LBO Zoning District, modify Section 5.10.3.B. establishing parking space requirement for Athletic Fields, modify Section 5.10.4 clarifying parking lot setback requirements from property lines and cross-reference to Landscaping & Buffering Requirements of Section 5.8 and modify Section 6.4 clarifying wall signage requirements

for commercial uses in residential zoning districts that was erroneously left out from a prior amendment. **Danbury Township, Applicant.**

Approval– ZC
Approval– Trustees
Resolution No. 01-2021
Effective – 02.27.2021

Sadly, on December 20, 2020 Mr. Richard Kracer passed away. He served 11 years on the Board of Zoning Appeals and 4 years on the Zoning Commission. The Board of Trustees reappointed Susan Dress as a regular ZC member with a term to expire 12/31/2025. They also appointed Mr. John Basilone to fulfill Mr. Kracer's unexpired term of 12/31/2023 and moved Mr. Vito Kaminskas to an Alternate Member with a term to expire 12/31/2022. An Alternate Seat with a term to expire 12/31/2023 remains open.

Permits

The 2020 year resulted in more permits than 2019 as far as total number of permits. The Township finished the 2020 year with issuing 300 permits, 61 more than 2019. Between 2010-2020, the Township averaged 225 permits per year.

The total number of new single-family homes remained about the same with 31 permits, compared to 27 last year. The average number of new single-family home permits issued since 2010 is 25 permits. 23 of the 31 new homes built were on vacant lots; 8 were a tear down and rebuild. All are started or complete.

Commercial construction activity compared to last year increased. There were 10 new commercial permits issued and 2 commercial additions for a total of 63,410s.f. of new building space compared to 11 new buildings last year for a total of 50,984 s.f. These new buildings and additions included a cooler expansion at Tibbels Marina, a kitchen expansion for The Purple Parrot, 5 commercial storage buildings, a new equipment storage building for Lakeshore Canvas and business expansion building for Overmyer's Best Bait Packaging, and a new Spa.

Permit fees collected this year were up by \$6,416.52. Most permit fees are associated with the size of a project. The increase of commercial projects contributes to the increase, but there were also 3 new Condominium buildings (18 units total) issued this year, 112 campground sites (compared to 51 in 2019) and an increase in the number of Board of Zoning Appeals cases.

Permits over the years have traditionally begun to increase between April and September. This trend continued in 2020 but continued to be high in October & November. A trend like this shows that property owners are staying in the area longer and beyond Labor Day. The month of June proved to have the most permits (49) ever issued in a single month in the last 20 years. The last month to come closest is September 2003 with 45 permits.

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

It was an unprecedented year in the number of Board of Zoning Appeals cases and refused permits. Any time there are high amounts of BZA cases, you review if there is something wrong with the Zoning Resolution that may warrant a Text Amendment. About 1/3 of the cases came from Lakeside where a large majority of the properties are nonconforming, almost always requiring some sort of variance for improvements. There were a higher than normal amount of cases requesting increases in personal storage barns. The Zoning Commission has discussed looking into a ratio calculation of allowing larger barns on larger properties. The remaining cases were either a result of starting construction prior to getting permits and not meeting basic zoning requirements or a matter of property owners applying for what they wanted with no attempt to comply with the basic zoning requirements.

Enclosed are the Comparison Reports of the permits.

Office Activity

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

During 2020 the Department responded to 8,939 calls, e-mails and in-person inquiries and went on 1,087 site visits. This averages 744 calls or emails per month and 90 inspections per month. We had a 26% increase in phone volume from 2019 and a 23% increase in inspections.

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

- Outgoing 1,002
- Incoming 2,911
- Other 252
- Emails 4,774
- Violation Letters 67
- Inspections 1,087

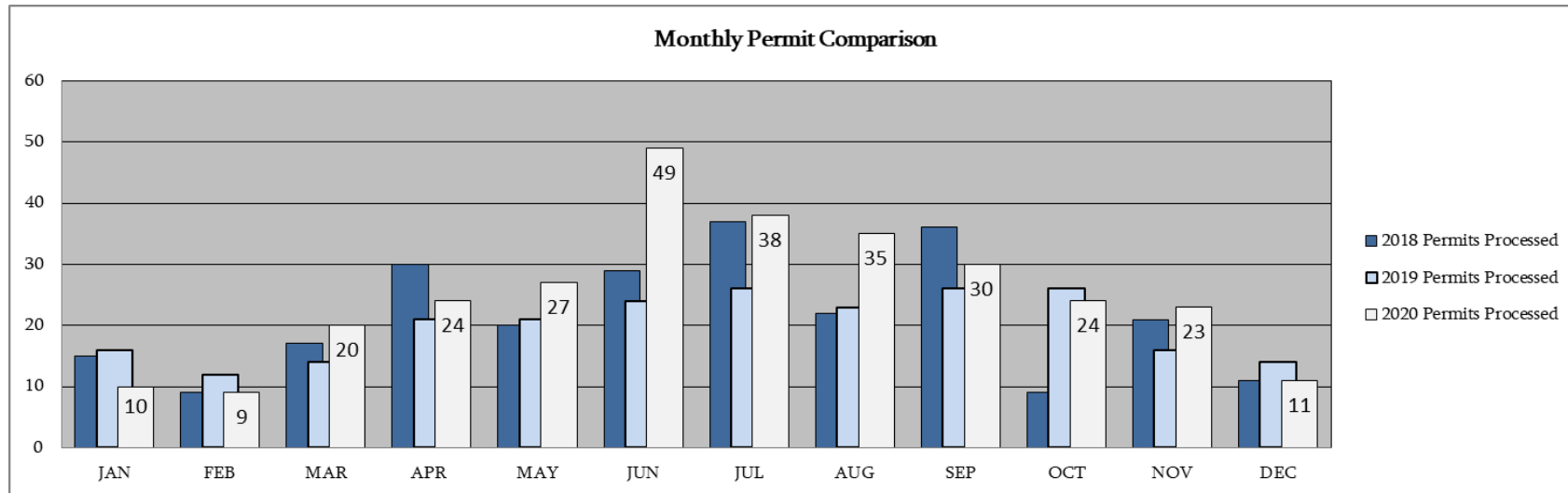
Other Office Updates:

- On February 3, 2020 we received notice from the State that the zoning files for properties now in the Village of Marblehead had been approved for transfer. The files were dropped off to Bob Hruska on February 4.
- Reservations had been made for the Houston APA Conference that was supposed to be held in April 2020, which ended up getting cancelled due to Covid-19. APA switch the whole conference to an online format. The cost was a fraction of the cost of going in-person and Ms. Dale received 24 continuing education credits which is equivalent to what she would have earned in Houston.
- Despite a national pandemic and the State of Ohio essentially shutting down in March due to Covid-19, there was no delay in zoning work. Working exclusively & digitally from home had its challenges and adjustments in the beginning with not having office grade equipment, but overall it was a very smooth transition. As the year went on and thru the extremely busy months, there were many benefits of having the flexibility to “leave the office” to visit job sites or check on complaints, run into the office for copies and filing, since all phone calls were forwarded to a cell phone that could go anywhere, and we were not tied to being available in the office during open hours.

2020 Monthly Permit Activity Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling	2	1	5	3		4	1	5	1	3	5	1	31
Condominium Building						1				1		1	3
Addition/Porch/Deck	2	1	2	5	7	4	6	13	7	8	4	4	63
Accessory Bldg./Dock/Pool	1		5	3	6	15	6	7	5	2	4	2	56
Fence		1		8	3	5	9	2	3	2	1		34
Commercial Building			1		2	1	1	1	2	1		1	10
Commercial Addition			1								1		2
Sign		2	1						1		1		5
Change of Use						2							2
Permit Rejected/Voided	1	2	3	3	3	8	8	2	5	2	3		40
Zoning Amendment							1	1		2	1		5
Appeal					1								1
Conditional Use	1							1					2
Cond. Use Phase Approval													
Variance	2	2	1	2	4	9	6	1	5	2	2		36
Special Exception													
Other Misc.	1		1		1			2	1	1	1	2	10
2020 Permits Processed	10	9	20	24	27	49	38	35	30	24	23	11	300

Zoning Books Sold						1				1			2
Fees Collected	\$2,596.88	\$951.36	\$1,944.73	\$1,426.90	\$2,532.99	\$4,996.16	\$2,737.54	\$2,905.45	\$2,908.34	\$2,897.59	\$2,620.24	\$1,819.17	\$30,337.35

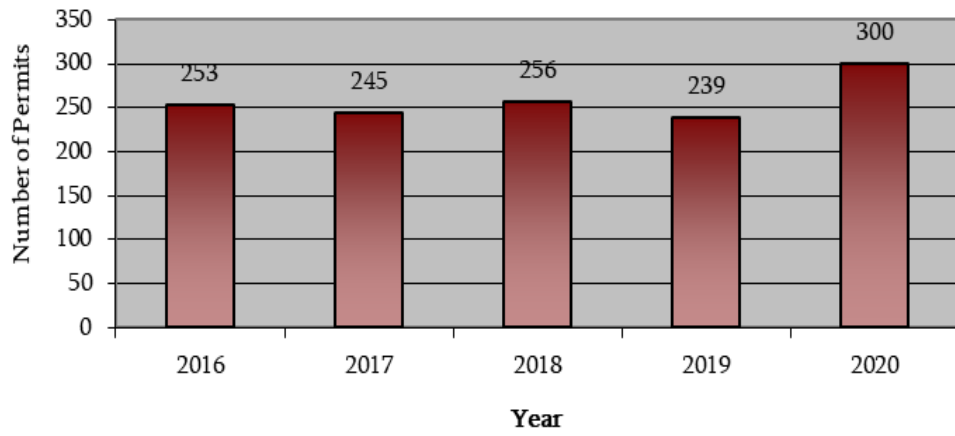


5 Year Permit Comparison Report

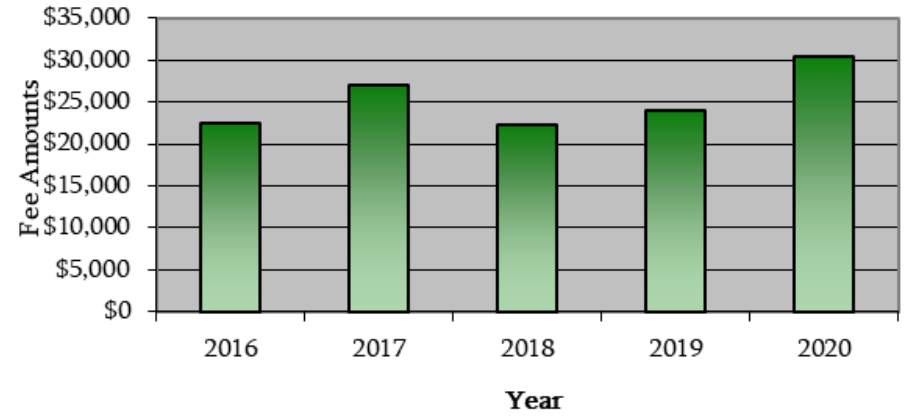
Danbury Township Zoning

	2016	2017	2018	2019	2020	TOTALS
New Dwelling	30	28	30	27	31	146
Condominium Building		2		2	3	7
Addition/Porch/Deck	55	48	62	54	63	282
Accessory Bldg./Dock/Pool	49	57	43	50	56	255
Fence	31	21	35	22	34	143
Commercial Building	7	17	8	9	10	51
Commercial Addition	1	4	4	2	2	13
Sign	9	5	9	4	5	32
Change of Use	2	2	2	1	2	9
Permit Rejected/Voiced	17	18	22	20	40	117
Zoning Amendment	6	7	4	7	5	29
Appeal			1		1	2
Conditional Use	13	3	3	7	2	28
Cond. Use Phase Approval					0	
Variance	18	19	20	24	36	117
Special Exception					0	
Other Misc.	15	14	13	10	10	62
Permits Processed	253	245	256	239	300	1,293
Zoning Books Sold	3				2	5
Fees Collected	\$22,499.50	\$27,007.06	\$22,361.51	\$23,920.83	\$30,337.35	\$126,126.25

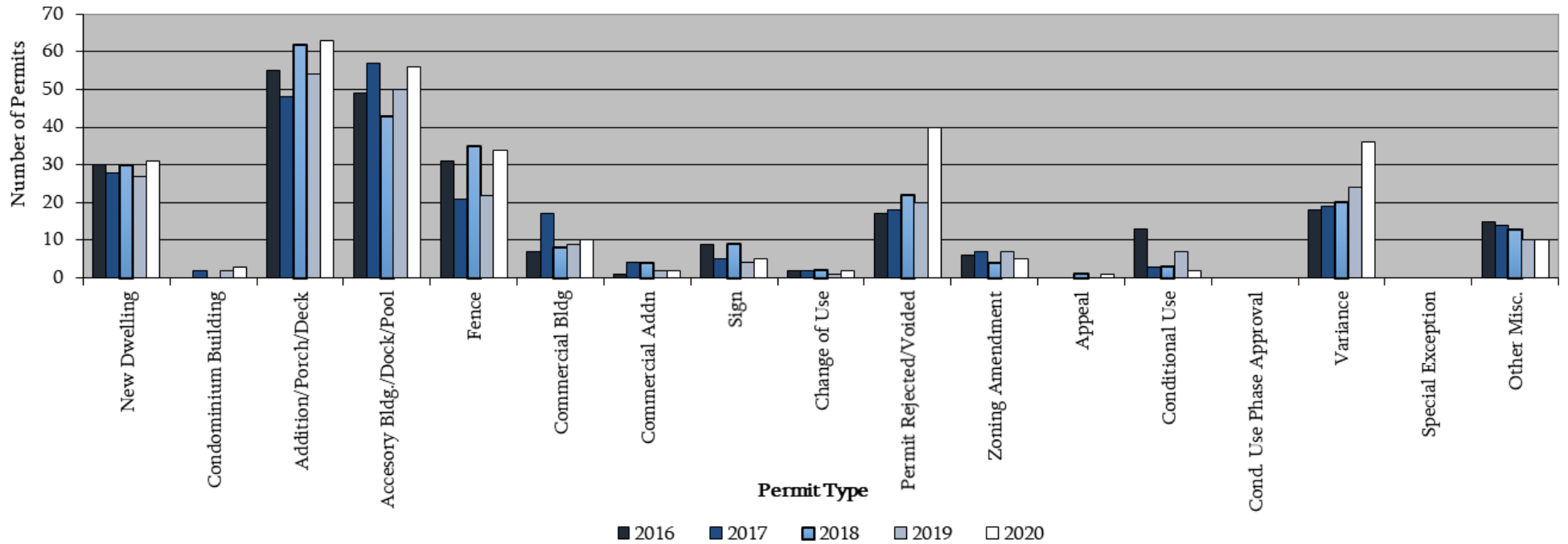
5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



5 yr. Permit Type Comparison



2020 Office Activity Report

Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
Calls & Emails													
Outgoing	34	100		67	92	125	198	85	98	92	61	50	1002
Incoming	70	123		191	342	303	519	325	320	349	200	169	2911
Other	56	96		75		25							252
Emails	267	267	432	411	461	465	575	484	437	339	368	268	4774
	427	586	432	744	895	918	1292	894	855	780	629	487	8939
Site Visits													
Zoning Violations													
Violation Letters Sent	4	3	3	6	6	13	10	6	10	4	1	1	67
Zoning Inspections	91	63	53	109	98	108	101	80	162	59	65	98	1087
	95	66	56	115	104	121	111	86	172	63	66	99	1154
													TOTAL:
													10093

