

Danbury Township Board of Zoning Appeals

January 20, 21

The Danbury Township Board of Zoning Appeals was called to order at 6:38p.m. by the Chair, Joseph Fetzer. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Mr. Joseph Fetzer, Mr. Clyde Shetler, Ms. Lisa Bauer, and Alternates, Mr. Gregory Huffman and Ms. Patty Zsigo. Ms. Sherry Roberts was excused. Ms. Loretta Grentzer was absent. Ms. Zsigo was seated in Ms. Roberts place. Mr. Huffman was in Ms. Grentzer’s place. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Thomas Beercheck and Jennifer Brown.

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 #2021-001
2380 N. Buck Road
Beercheck - Brown**

Request for an Area Variance from Section 5.2.1.B & Section 5.2.1.C.ii to allow for a 10’ x 10’ shed to encroach into the south, front-yard setback (5’ proposed/ 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. Bauer moved and Mr. Huffman seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is proposing to install a 10’ x 10’ shed in the south, front-yard 5’ from the south property line where 20’ is required. The property has three road frontages/ front-yards. The applicant tore down the existing, single-wide mobile home and rebuild a new SF-home with an attached garage and porch in 2019. The applicant came before the BZA in 2019 (Case #BZA-2019-075) and was granted a front-yard setback variance from the east property line to allow the house to sit 16’ (to the overhang) where 20’ was required. Due to having a limited building envelope because of the 3 road frontages, there is really no other option than to place some sort of storage shed in a front yard, even though it would be on the side of the house. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

Mr. Fetzer asked if any Board Members had any questions for the Ms. Dale. There were none. Mr. Fetzer noted that both Mr. Beercheck and Ms. Brown were present and asked if they would both be testifying. Ms. Brown stated that only she would be speaking.

Jennifer Brown, Owner/Applicant, was called upon and sworn in. Ms. Brown reviewed the paperwork via the “shared screen” option from Ms. Dale’s computer and stated it was as she had submitted. Ms. Brown said Ms. Dale did a phenomenal job explaining everything. She said they honestly did not think they would be here again before the Board. She said they knew they needed to apply for a permit to get a shed, but didn’t realize they would also need a variance. She said there is a shed in this same general location on the property to the west that is her aunt & uncle’s property. It would not impede anyone’s vision. She said they have found they are in need of some additional space. That while the new house is nice, they are finding there is not that much storage space available in it and so that’s why they are here before the Board to ask for the shed.

Mr. Fetzer asked if the Board Members had any questions for Ms. Brown. There were none.

Mr. Fetzer asked if there was anyone with standing who wished to testify or other correspondence received. 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 there was no one else on the Zoom meeting for this case and that she had not received any correspondence from any adjoining neighbors.

Mr. Shetler 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. Zsigo 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. Zsigo – yes;

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Ms. Bauer – yes; Mr. Huffman – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:51p.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. Zsigo moved and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Bauer – yes; Mr. Huffman – yes; Mr. Fetzer – yes. The Board reconvened at 6:57p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-001:

With regard to BZA-2021-001 being a request for an Area Variance from Section 5.2.1.B & Section 5.2.1.C.ii to allow for a 10' x 10' shed to encroach into the south, front-yard setback (5' proposed/ 20' required) for the property located at 2380 N. Buck Road:

1. The property in question will yield a reasonable return and can be used beneficially without the variance because the property can continue to be used as a single-family residence, however, due to the 3 front-yard setback requirements, there are no opportunities for on-site storage.
2. The request is **not** substantial because the shed will be located towards the rear of the new home and screened from the road by an existing fence.
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 shed will have no visual impact on the neighboring homes and for the reasons as stated above in standard #2.
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 they were **not** aware of the zoning restrictions at the time they purchased the property, but are aware zoning exists in the Township due to prior applications.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because there are no other options for on-site storage due to the lot having 3 front-yards.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the request has no negative impacts to surrounding 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. Zsigo. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Bauer – yes; Mr. Huffman – 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 February 17, 2021.

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 December 16, 2020 Board of Zoning Appeals Meeting Minutes

Mr. Shetler made a motion to approve the December 16, 2020 meeting minutes as presented. Mr. Huffman seconded the motion. All were in favor, 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. Shetler motioned for approval of the decision sheet as presented. Mr. Huffman seconded. Ms. Roberts Abstained. All were in favor and the motion carried.

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- a. **BZA-2020-280 425 Walnut.** Request for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, front-yard setback (10" proposed/ 5' required). **John & Carolyn Slager, Owner/Applicant; Greg Zimmerman, Contractor/ Agent.**
- b. **BZA-2020-285 335 Central.** Request for an Area Variance to Section 7.12.3.A to allow more square footage than allowed onto a nonconforming structure (20%; 220.90s.f. allowed/ 26.3%; 290.13s.f. proposed). **James Morrow, Owner/Applicant; John Feick, Architect/ Agent.**

Old Business

There was none.

New Business

Ms. Dale distributed the Zoning Departments Annual Report to the Board Members.

Other Business

There was none.

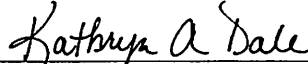
Reports and Communications from Members and Staff

There were none.






Adjournment

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

The meeting was adjourned at 7:07p.m.



 RECORDING SECRETARY

	dotloop verified 02/17/21 11:42 AM EST J514-VNAM-D4HI-5PGR
	dotloop verified 02/17/21 12:55 PM EST IPYF-2BJC-Q6Q7-YZAT
	dotloop verified 02/17/21 10:35 AM EST GEHI-KHXV-PAPQ-FJQS
	dotloop verified 02/17/21 10:30 PM EST LCRN-4935-GFLP-HNRV
	dotloop verified 02/17/21 10:49 AM EST HYEZ-UYVQ-CATI-TKYS

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