

## Danbury Township Board of Zoning Appeals

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The Danbury Township Board of Zoning Appeals was called to order at 5:32p.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, Ms. Sherry Roberts, Ms. Loretta Grentzer and Alternates, Mr. Gregory Huffman and Ms. Patty Zsigo. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Lee Short, Robert & Brenda Rose, John Gonzales, Vivien Dennerll, Gary Schuen, Matt, David & Karen Dapper, Brian Rogers, Rod Gillespie, Willie Steinbrick, Amy Steinbrick, Donna & David Stock, Christine & Chad Tylicki, Jeff Myers, Gary & Melissa Berner, and Nick Goin.

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 #2021-014**  
**1946 N. Buck Road**  
**Rose**

**Request for an Area Variance from Section 5.2.1.A.ii to allow for an additional accessory structure, which will exceed the cumulative square footage of all accessory structure space allowed (1,200s.f. allowed/ 1,936s.f. 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. 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 stated the property has an existing 32' x 48' (1,536s.f.) pole barn. The applicant is proposing a 16' x 20' detached storage building with a 4' x 20' porch, or 400s.f. of additional space for a total of 1,936 where 1,200s.f. is the maximum allowed. In 1997, under a previous owner, a permit was issued for the pole barn, but no variance was applied for even though it was over 1,200s.f.. This is because at that time, there was a provision in the zoning resolution that allowed a detached accessory structure to be "50% of the floor area contained in the residential structure or 1,200s.f., whichever is larger". Just prior to receiving the permit for the pole barn, the owners at that time also took out a permit for an addition, which ultimately made the final square footage of the house over 3,000s.f. and is why they were able to receive a permit for a pole barn over the 1,200 traditional limitation. This language was removed and reworded in April 2008 to what it is today. 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. & Mrs. Rose and Mr. Short were present and asked if they would all be testifying. Mr. Rose stated Mr. Short was going to testify.

Lee Short, Agent on Behalf of the Owner, 5605 E. Lakeview Drive, Port Clinton was called upon and sworn in. Mr. Short reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he had submitted. Mr. Short said Ms. Dale summarized the project well. The Roses purchased the property a few years ago and if anyone has been out that way, have seen they took on a very substantial addition and renovation to the original home there. Part of the purchase included the 1,536s.f. pole barn. Last year they had that building completely resided to blend in with the house. Mr. Short said he was unaware of how that building was able to be built, but Ms. Dale explained why based on the zoning code language at the time it was built and that the language has since changed. It is a large building and he assumes it was built for boat storage since the door is so large. What they are proposing is something to help take care of the immediate needs where the boat is located at the boat well. They are proposing a 16' x 20' building with a 4' x 20' porch. The porch is for aesthetics' only to try to make it look nice and blend in with the renovations that took place on the house. The pole barn is several hundred feet away from the boat well and the way the Roses use the property, they would like to keep all the water toys in a building, out of sight, near the boat well.

Robert Rose, Owner/Applicant, 1946 N. Buck Road, Marblehead was called upon and sworn in. Mr. Rose said that he's trying to be proactive. He is 71 years old and plans on staying in this house

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for as long as he can and he knows the years ahead, it will be more difficult to move patio furniture, kayaks and things of that nature from the boat well up to the pole barn. We love the property and love the area.

Mr. Fetzter asked if the Board Members had any questions for Mr. Short or Mr. Rose. Ms. Grentzer said that the existing pole barn is substantial in size and fairly close to the house, yet the building you are proposing is quite far from the house. Why can't these items you mentioned, which aren't substantially large, be put in the pole barn? To me that would be more accessible than putting it way to the back of the property. Mr. Rose said the items they plan to store in this new building, during the summer season will be at the boat well. The alternative, which he stated he has already done for a year or two now, would be to haul everything from the barn at the north end of the property to the south end of the property, and it's a lot of stuff. Ms. Grentzer clarified that the boat well is on the south end of the property along a canal. Mr. Rose said that was correct.

Mr. Shetler asked what the current square footage of the house is now with the completed renovations. Mr. Rose said he estimates it to be around 3,800s.f. Mr. Short said he would agree, it's close to 4,000s.f.

Mr. Fetzter asked if there was anyone with standing who wished to testify or other correspondence received. Ms. Dale shared that there were neighbors present via Zoom and she would call on each of them. 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 she had not received any written correspondence from any adjoining neighbors.

John Gonzales, 1925 Nan Avenue, Marblehead, was called upon and sworn in. Mr. Gonzales said he owns the house directly behind Mr. Rose, so they look at the back of their home and would be looking at the back of this structure. He said their home is a vacation home for them and he stated he and his wife Ann do not have a problem with this structure whatsoever. The Roses have been wonderful neighbors and they're just starting to get to know them. They have their grandkids over and do have a lot of water toys, so he can understand pulling them out of the barn and taking them over to the water can be a hassle. Mr. Gonzales said he also wants to let the Board know that everything they have done to the property has been top notch, high quality and first class. They keep it up meticulously. He said they are happy to have them here and everything they have done has helped increase the value of surrounding properties. He closed by saying that as far as he is concerned, they have no issue with this building.

There were no further questions for Mr. Gonzales from the Board or rebuttals from the applicant.

Gary Schuen, 1921 Nan Avenue, Marblehead, was called upon and sworn in. Mr. Schuen said he is right next door to Mr. Gonzales and has nothing but respect for the Roses. He said he thinks it's too bad they are restricted to such a small amount of square footage considering the size of their property. The Roses have put a lot of money into the property already and he thinks they and their family will be there for a long time and they should be able to do what they want. Mr. Schuen concluded by saying he is 100% in favor of the project.

There were no further questions for Mr. Schuen from the Board or rebuttals from the applicant.

Vivien Dennerll, 1887 Fernwood, Marblehead, was called upon and sworn in. Ms. Dennerll said she is across the channel from them and said it looks like it will match the appearance of the home. She said last summer she saw that they have some very unique toys for the kids on the water and she's sure they'll enjoy having them closer to the water. She said that she has noticed that there are two large trees where this building will be going, and she would suggest that the one has a rather large dead branch that they may want to get taken care of so it doesn't fall and damage anything or hurt anyone.

Mr. Rose said they are aware of the branch and they have been trying to get it removed, but are having trouble getting someone to come take care of it.

There were no further questions for from the Board or rebuttals from the applicant.

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. Bauer 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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzter – yes. The motion carried and the Board recessed at 6:00p.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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzter – yes. The Board reconvened at 6:08p.m.

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The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-014:

**With regard to BZA-2021-014 being a request for an Area Variance from Section 5.2.1.A.ii to allow for an additional accessory structure, which will exceed the cumulative square footage of all accessory structure space allowed (1,200s.f. allowed/ 1,936s.f. proposed) for the property located at 1946 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 and the property has storage available on the property.
2. The request **is not** substantial because the property contains over 2 acres and has ample space for a building of this size.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the building will be in the corner of the property near the boat well that it will be serving and there are no other structures nearby.
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** aware of the general zoning restrictions at the time they purchased the property, but were not aware of the specific accessory structure regulations.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by taking items all the way across the property to the existing pole barn, but it isn't practical.
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) (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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – 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 March 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.

### **Adjudication Hearing Case BZA #2021-015 5205 Wohlers Dapper**

**Request for an Area Variance from Section 5.2.1.C.ii to allow for an accessory structure to exceed the 20' building height requirement (23' 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. 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 stated the applicant is proposing a 40' x 50' detached pole bam accessory building that will be 23' tall instead of the maximum 20' allowed. The building is proposed to be in the far NE corner of the property and approximately 152' from the road. In 1986 a modular home was on the lot and in 1988 a garage was built. In 2006 it is believed that the house burnt down and a demolition permit was taken out with Ottawa County. The garage on the property was then converted into residential living space and is the primary residence there now. The property contains just over 1 acre. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

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Mr. Fetzer asked if any Board Members had any questions for the Ms. Dale. There were none. Mr. Fetzer noted that multiple people were present on the video feed with the Dapper's and asked if they would all be testifying.

Matt Dapper, Owner/Applicant, 424 Sunset Drive, DeForest, WI, was called upon and sworn in. Mr. Dapper reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he had submitted. Mr. Dapper said they recently purchased the property on January 13, 2021. Their initial priority was cleaning the property up and then constructing a building for their toys. He said they have a large boat, a camper and a small boat and a jet ski. He said they are looking to store these items on their property over the winter and it will be a heated structure. Mr. Dapper said they completed the first task which was to clean the property up. He said they filled a 50-yard dumpster of miscellaneous junk from the property, so now they are on to their second task to build this pole barn. Mr. Dapper said they looked at other properties on Wohler's to get some ideas and to make sure they built something similar to those already in the neighborhood. He said they looked at size, footprint, height, design, door heights, roof pitch and location. All the other barns seem to be in the back or back corners of the lots they are on, so this is why they are also showing their proposed building to be in the back, east corner of their property. Mr. Dapper said they found, five houses down the street exactly what they wanted, which was a 40' x 60' pole barn that is 23' in height, but when we made our first contact with Ms. Dale, we learned that the current zoning regulations didn't quite allow that any longer. They believe the building down the street was built in the late 80's or early 90's. They understand the purpose & intent of zoning regulations and respect them. Before filing the variance request, they reduced the size of the building from 2,400s.f. to the 2,000s.f. limit so they would meet the square footage regulation. He said they did end up reducing the door height in an attempt to bring down the roof pitch and total building height and they even considered a flat commercial roof, but ultimately decided that it wouldn't fit the character of the neighborhood. After making these adjustments, they still could not get the height down to the 20' maximum while retaining a residential style and the ability to store their biggest boat and fit it in the door. He feels they have exhausted all ways that they can to come close to meeting all the regulations, yet fit in with the neighborhood.

Mr. Fetzer asked if the Board Members had any questions for Mr. Dapper. Ms. Roberts asked what size boat they are trying to fit into this building. Mr. Dapper said it is a 36' boat and it's 13'3" high. He said they were originally looking at putting a 15'-16' tall door on it. After talking to Dubberts who is currently hauling the boat, they said if they drop the trailer down all the way so that the rudders are just above the ground, it would fit in a 14' door, so that allowed them to bring the wall down and ultimately the height of the building. But to fit a peaked roof vs. a commercial flat roof, it still requires a variance to the height.

There were no further questions from the Board.

Mr. Fetzer asked if there was anyone with standing who wished to testify or other correspondence received. Ms. Dale shared that there were no neighbors present via Zoom and 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 crisis situation. She reported that she had not received any written 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. Grentzer motioned to recess into executive session to deliberate the merits of the case. Mr. Shetler seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:26p.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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 6:35p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-015:

**With regard to BZA-2021-015 being a request for an Area Variance from Section 5.2.1.C.ii to allow for an accessory structure to exceed the 20' building height requirement (23' proposed) for the property located at 5205 Wohlers:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used as a single-family residence and the owner is permitted to have an accessory structure.

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2. The request **is not** substantial because the additional 3' feet allows the pitch of the barn to better handle the weather elements and due to the significant distance from the road, the building will not appear to be much higher than what is allowed.
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 there are similar type structures on neighboring properties.
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** aware that the zoning restrictions regulated square footage at the time they purchased the property, but were unaware zoning restricted the building height.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by reducing the height, but are trying to accommodate their boat.
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) (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. Bauer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – 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 March 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.

### **Adjudication Hearing Case BZA #2021-016 5881 Oakmont Rogers**

#### **Request for an Area Variance to Section 3.5 & 5.1.7 to allow for an addition to encroach into the east, side-yard setback (4' proposed/ 5' required).**

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Mr. Shetler moved and Ms. Roberts 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 received a permit in July 2020 (Permit #2020-152) for multiple additions onto the home. The initial plans showed a 1' overhang on this side of the house which would have met the 5' side-yard setback requirement. In January 2021, the owners submitted a revision to add a porch onto the house. Upon inspection of the project, staff noticed that it appeared as though a 2' overhang had been installed on the addition and asked that the owner confirm this. Upon confirmation with his builder, it was verified that the trusses that had been ordered resulted in a 2' overhang to match other parts of the house, thus causing the very corner of the garage addition to encroach into the setback by 1'. 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.

Brian Rogers, Owner/Applicant, 5881 Oakmont, Marblehead, was called upon and sworn in. Mr. Rogers reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he had submitted. Mr. Rogers said that he was going to drop a plumb bob from the corner to the ground to get an exact measurement because he said it might actually be less than a 1' encroachment. But due to the snow and his age, he decided against getting on a ladder 12' up in the air to do that. He said what Ms. Dale explained is a perfect summary of why he is there asking for the variance. Mr. Rogers said that the gutters are not yet up, but once they are, they're going to be tied into

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the drain tile that goes out to the canal, so it's not like there will be any rainwater runoff going onto any neighboring properties.

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

Mr. Fetzer asked if there was anyone with standing who wished to testify or other correspondence received. Ms. Dale shared that there were neighbors present via Zoom and she would call on each of them. Mr. Fetzer asked if they need to be sworn in again since they were sworn in on the first case. Ms. Dale suggested that they be sworn in again since that first case was closed. She said they would start with Ms. Dennerll since she is the neighbor to the east and most impacted by the decision. Also, 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 she had not received any written correspondence from any adjoining neighbors.

Vivien Dennerll, 1887 Fernwood, Marblehead, was called upon and sworn in. Ms. Dennerll said that she appreciates that the gutters will not be pointing towards her property and will be drained underground. The addition is coming along nicely and will be very nice for them. The 1' overhang shouldn't make a difference and she has no other concerns or objections.

There were no further questions for Ms. Dennerll from the Board or rebuttals from the applicant.

Gary Schuen, 1921 Nan, Marblehead, was called upon and sworn in. Mr. Schuen said he is directly north across the canal. He said they are doing a very nice job and putting a lot of money into the property. He said for a little problem like this, it should be approved so they can complete their improvements and keep moving forward. He concluded that he 100% supports their request.

There were no further questions for Mr. Schuen from the Board or rebuttals from the applicant.

Robert Rose, 1946 N. Buck Road, Marblehead, was called upon and sworn in. Mr. Rose said he too is on the north side of the canal and said they are doing a great job with the improvements and is in complete support of the variance request.

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. Bauer 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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:59p.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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 7:11p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-016:

**With regard to BZA-2021-016 being a request for an Area Variance from Section 3.5 & 5.1.7 to allow for an addition to encroach into the east, side-yard setback (4' proposed/ 5' required) for the property located at 5881 Oakmont:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used as a single-family residence and the owner is permitted to and has the space to accommodate an addition.
2. The request **is not** substantial because one (1) corner of the garage overhang is encroaching into the side-yard setback. The walls and bulk of the structure and improvements being made meet the requirements.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because there is no obvious negative impact of risk to another structure if the overhang is allowed to continue to encroach.
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** aware of the zoning restrictions at the time they purchased the property, but this was an error by the contractor.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by cutting down the overhang by 1'.

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7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because it is the least amount needed to allow the project to continue to move forward and 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) (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. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – 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 March 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.

Everyone was joined into the meeting for the last case. The Chair asked for a 5 minute recess before starting the last case and said we would begin at 7:20p.m. Hearing started at 7:26p.m.

**Adjudication Hearing  
Case BZA #2021-017  
6271 E. Harbor Road  
Harbor Haven - Steinbrick**

**Request for a Conditional Use in accordance with Section 3.5 & Section 4.15 for a 25 site expansion to an existing 9.7ac. Recreational Camp/ MHP. Area Variances requested to Sec. 4.15.2.A to allow the Recreational Camp on less than 10 acres (2.458ac. for expansion area), Sec. 4.15.2.C to encroach into the required 45' west and east side-yard setbacks (30' proposed), Sec. 4.15.2.C to allow the roadway to encroach into the required 20' buffer (10' proposed on west & 0' proposed on east – See also Sec. 4.15.2.E) and Sec. 4.15.4 2.F to have less than the required 25% open space (0.615 ac. required/ 0.535 ac. proposed).**

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. Mr. Fetzer stated he would be abstaining. Ms. Bauer stated she also would be abstaining. Ms. Dale clarified that Mr. Fetzer is a co-worker with Mr. Adam Steinbrick, one of the applicants, at the school and Ms. Bauer's late husband was also a co-worker with Mr. Adam Steinbrick, but she also personally knows the Steinbrick family. Ms. Dale disclosed that according to the Board's by-laws, Board Members who live within a certain radius of a subject property are supposed to automatically recuse themselves. Ms. Dale share that Ms. Zsigo, Alternate Member lives in Bass Haven to the east of this property. She did not receive personal notification of the hearing since her park manager, the Deerhake's did and she does not know the Steinbrick family and believes she has no conflict of interest, so Ms. Dale asked if the applicants would be opposed to Ms. Zsigo being seated, despite what the Board by-laws say so they can have a full Board to decide this case. Ms. Dale explained that if only four members are seated for this hearing, it could result in a tie, which could become problematic. Mr. Willie Steinbrick and Mr. Rod Gillespie stated they were not opposed to having Ms. Zsigo seated for the hearing.

Ms. Dale clarified for the record that Ms. Grentzer, as Vice-Chair would be conducting this hearing since Mr. Fetzer has abstained and that Alternate Members Mr. Huffman and Ms. Zsigo would be seated in his and Ms. Bauer's place. She shared that Mr. Fetzer and Ms. Bauer would be put into the Zoom waiting room and will not be able to see or hear the hearing, but that they would both be rejoined at the conclusion of the hearing since there is other business to be conducted, such as approving last month's meeting minutes and decision sheets.

The Vice-Chair asked for a motion to open the public hearing. Ms. Roberts moved and Mr. Huffman seconded the motion to open the public hearing. All were in favor and the motion carried.

The Vice-Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated applicants are requesting to expand Harbor Haven Recreational Camp/MHP with 25 new RV camping sites on 2.5 acres of the 9.7 acre property. The property currently has dual licensure for both a Recreational Camp and Manufactured Home Park (MHP), which are grandfathered and

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nonconforming. Variances are not necessary for the pre-existing park. The existing property consists of:

Existing RV Park:	1 acre, 22 units (Was at one time licensed for 25 units – working with State on this)
Existing MHP:	4.4 acres, 65 units
Existing Marina:	1.1 acres
Christiansen Auto:	0.7 acres

On the west side of the property, East Harbor Building Supply and Concrete formerly operated. That business was moved out to Hartshorn Road. In 2013, Holmes Automotive, now known as Christiansen Automotive, moved onto the property and is proposed to remain. At the end of 2020, the owners disassembled and removed a 50' x 100' steel-framed pole barn located along the west property line. There were two buildings on either side of the current main entry that have also been removed. An existing shelter pavilion and swimming pool will remain as amenities to the property. There is a unit on the west jetty that, at this time, will remain, but may be relocated to another sewer lot within the existing MHP.

While not a requirement for recreational camps/campgrounds, the applicants are proposing to provide 25 additional on-site parking spaces. They do not intend to allow these spaces to be used for boat or recreational vehicle parking or storage. Some of the parking is dependent on approval from the Army Corps of Engineers to fill in part of the marina area. Even if approval is not received by ACoE, what parking can be provided along the marina frontage, will be.

The applicant's plans show a breakdown of the boundaries for each of the uses on the property. This "carve out" helps identify that the 0.7 acre portion where the automotive business is located and a single-family home would not be tied to this Conditional Use request, allowing those structures and land area to be used for any use permitted in the "R-C" zoning district without having to come back before the BZA. The MHP area would remain nonconforming and also not part of the Conditional Use review.

The focus for the BZA's consideration is the area of the proposed expansion. Below is a full review of Section 4.15 Recreational Camp requirements and will outline where variances are being requested as well.

### **ZONING CODE REQUIREMENTS:**

#### **Section 4.15 Use Standards for Recreational Camp:**

2. *Camp Requirements: All camps shall meet the following requirements:*

A. *Size - Minimum of 10 acres.*

- The applicant is requesting a variance from this section. The portion of the property where the RV camp is proposed consists of 2.5 acres. If the pre-existing campground area were to be included, that would total 3.5 acres. Either way, the whole property contains 9.7 acres and is under this requirement.

B. *Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).*

- This is a pre-existing lot and meets the requirement.

C. *Yard - Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).*

- The applicant is requesting essentially four (4) variances from this section.
- Campsites #23-31 on the west side of the property and Campsite #45-47 on the east side of the property are shown encroaching 15' into the 45' required side-yard setback. The applicant is proposing a 30' setback to the campsites.
- Additionally, the proposed access road on both the west & east side will encroach into the 20' required buffer. On the west side, the applicant is proposing that there be a 10' buffer and on the east side, a 0' buffer.

D. *Access - Shall be provided into the camp with a minimum right-of way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.*

- The entrances off E. Harbor Road from west to east are approximately 25', 17' and 30' wide, but are all existing and seem to be sufficient in size since campers are not regularly moved in and out of this facility. Since these are

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existing entrances, no variance is being required or requested. There is also sufficient land area or frontage that if the applicant had to widen the access drives they could. Much of this will be determined by ODOT on what will be required, if anything.

*E. Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.*

- The width of any proposed streets would be met. However, two (2) variances are being requested for the streets to encroach into the buffer zone. The west street is proposed to be 10' from the property line and the east street is proposing 0' were 20' is required.
- Usually the Fire Chief requires that streets remain clear at all times for emergency vehicles and that "No Parking" signs are posted along said streets. The applicant notes on their plans that they intend to automatically do this without it being a condition.

*F. Recreation and Open Space – 25 percent of the gross camp area shall be reserved for such uses excluding yards, camp sites, buffer zones, submerged lands, and streets.*

- A total of 0.615 acres of open space is required within the 2.5 acre area for this expansion. The applicant is asking for a variance from this section to provide 0.535 acres (21.76%) of open space.
- If the request for a 30' side-yard setback variance along the east property line is not approved, then this acreage will become even less because some of the open space being calculated near the pool and where the two (2) building were removed by the main entrance is in the 45' required side-yard setback.

*3. Site Requirements: Individual sites within the camp shall meet the following requirements*

*A. Site Area - Minimum of 1,200 square feet per site.*

- This requirement is satisfied. Campsites #23-41 are proposed to be 30' x 40' = 1,200 sq.ft. Campsites #42-47 are 30' wide, but appear to be slightly longer/deeper than 40' and still satisfying this requirement.

*B. Site Width - Minimum of 30 feet and should front on road.*

- This requirement is satisfied.

*C. Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.*

- Based on the typical site detail this requirement is met and will be able to fit a 14' x 32' camper or park model.

There was an interruption from a participant making Ms. Dale aware that there were two other people who had joined the meeting and were sitting in the Zoom waiting room. Ms. Dale admitted those and they were identified as Gary and Melissa Berner. Ms. Dale explained where she was in the staff report review in case they had, had a chance to see that beforehand and continued with her presentation.

*D. Corner Markers - All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.*

*4. Camp Utilities and Services Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.*

*5. Supplementary Regulations: Accessory Buildings and Uses - Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals*

- Sheds typically are not a problem to allow within a campground, but they do need to remain on the individual campsites and not in any setback, buffer or open space area.
- No future communal buildings are indicated at this time.

Per Section 7.11 of the Zoning Resolution, the primary criteria that needs to be decided upon is whether the applicant has proven that the use will not be detrimental to the public health, safety, or general welfare of the Township or the neighborhood in which it is proposed and that all potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately addressed. Both the Conditional Use and Duncan Standards need to be taken into consideration when deciding this

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request. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations as well as potential conditions for the Board to consider should they approve the request.

Ms. Grentzer asked if any Board Members had any questions for the Ms. Dale. Ms. Roberts asked Ms. Dale if the radii of the streets provide enough room for Fire & EMS turn-arounds. Ms. Dale pointed out that none of the proposed streets dead-end and they are all two-way streets, so there is no reason why emergency vehicles shouldn't be able to make it thru this part of the development. Ms. Grentzer asked Ms. Dale to point out where the greenspace is provided and that it is identified with a polka dot hatch, but the first area is up near the marina, another area is around the pool and based on how open space is defined, the pool and shelter house are allowed to be included in that calculation, the other area is to the east of the single-family home along SR 163 on either side of the existing drive. Ms. Grentzer clarified that what they have shown though does not meet the 25% requirement. Ms. Dale said that is correct, it totals to about 21.75%. Ms. Grentzer asked if they removed campsites 40 & 41 if they would then meet the open space requirement. Ms. Dale said those two campsites would total 2,400s.f., so she would have to do the math to see if it would make a difference or not; it may not get them all the way to where they need to be, but it would make it closer. Ms. Zsigo said on the west side of the property there is a white fence there now and she asked who that belongs too. Ms. Dale said that is the Regatta Subdivision fence, the developer was given a permit for that fence. Ms. Zsigo asked how much distance would be between that fence and the proposed road in this development. Ms. Dale said 10' maybe a little more. She zoomed into the plan that showed the callout for this and stated that the applicant has shown they intend to continue that fencing or something like it. The Regatta fence according to the aerial may not be right on top of the property line, maybe set-in on their side just slightly. There were no further questions for Ms. Dale.

Ms. Grentzer noted that both Mr. Gillespie & Mr. Steinbrick were present and asked if they would both be testifying. They indicated they would be.

William Steinbrick, Owner/Applicant, 6050 E. Port Clinton Eastern Road, Marblehead, was called upon and sworn in. Mr. Rod Gillespie, Agent on Behalf of the Owners, 6622 W. Harbor Road, Port Clinton, was called upon and sworn in. Mr. Gillespie reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he had submitted. Mr. Gillespie said his client is proposing to do an addition to this existing MHP and licensed RV park. They feel the application is complete and that the variance requests are reasonable. He said they've made many attempts to try to meet as many of the requirements as they could and have tried to balance the economics of this. They are going to meet the all the fire requirements as well as all the State and County requirements and feel this will be a benefit for the community. Mr. Gillespie said his clients have been cleaning this part of the property up and hope this will be an added attraction to the area.

Mr. Steinbrick said that they have done quite a bit of clean-up of the property, it was a mess after the concrete business was done operating there, and so they've taken a number of buildings down also to help with the clean-up.

Ms. Grentzer asked if the Board Members had any questions for Mr. Gillespie or Mr. Steinbrick. Mr. Shetler said asked Mr. Gillespie if they attempted to do a layout where they would meet all the requirements. Mr. Gillespie said they did try but they would have ended up with only 13 sites, or half of what they have shown now and did not feel that would be economically feasible. Mr. Gillespie said they are trying their best to meet what they can and still make this a viable project. He said the cost for the project in that scenario would have exceeded the return.

Ms. Grentzer asked why it would not be feasible if they turned some of the campsites along the west side sideways, or vertical. She understands that they may lose a few by doing that, but that would help more with meeting the code requirements. Mr. Gillespie said that if the campsites on the west were running north/south and meet the setback, they would still only be providing one row of campers because everything else would remain. He acknowledged that while the east side is asking for a 0' buffer, it is adjacent to their own property and use within it. He assured the Board they looked at the option of squeezing it in from both sides to meet the setback requirements, but they could only come up with about half the number of sites. He said his charge in this was to try to maximize it to make it a viable project.

Ms. Zsigo asked if the campers will be regularly moved in and out or if they will remain permanently. Mr. Gillespie said he believes they are hoping for all seasonal campers. Mr. Gillespie explained that at the State & County level they are applying for a combined park which means they would allow campers and tent camping, but he believes the intent is to have all seasonal campers. Ms. Zsigo asked if the campers, or the people could be different every weekend. Mr. Steinbrick said no, they would all be for the whole season. Mr. Steinbrick said it would open May 1<sup>st</sup> and close November 1<sup>st</sup>. Mr. Steinbrick said that the other thing they are going to try to do is have an age limit on actual RV campers so they are all newer models and more modern and not 30-40 yr. old campers in there. He said

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he's not real sure what their draft says but its like 10-15 yrs. old or newer. He said if they want sheds, they will all have to be the same and not a bunch of different sheds.

Ms. Roberts asked if they would be doing daily rentals. Mr. Steinbrick said no. Ms. Zsigo asked him to expound on the sheds more. Mr. Steinbrick said they would all have to be uniform. He said they will have a limit on what size they are and where they have to get them from. Ms. Grentzer asked if park models would be allowed. Mr. Steinbrick said that is a possibility, but the key is that they all have to be more modern no matter if it's a traditional camper or park model. Ms. Roberts asked if they as park managers would be providing the storage sheds. Mr. Steinbrick said no, the camp rental would put them up or purchase a shed if they want one and if they leave, they might take it with them, but their hope is that the people will leave their campers over the winter and camp there each season. He said they don't want the campers being pulled in and out all the time. Ms. Roberts clarified that the campers stay all year, but the people don't because water is likely shut off. Mr. Steinbrick said that is correct, just like many of the other campgrounds in the area.

Ms. Grentzer asked if there was anyone with standing who wished to testify or other correspondence received. Ms. Dale shared that there were neighbors present via Zoom and she would call on each of them. She noted that a Nick Goin was on, but has apparently disconnected. 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 she had not received any written correspondence from any adjoining neighbors.

Donna & David Stock, 6137 Regatta Passage, Marblehead, were both called upon and both sworn in. Ms. Stock stated she is very concerned about the proposed road being 10' away from the fence. When the barn was there, it was a great buffer because they saw no traffic, there was minimum noise, and those are her concerns. She said they are right on the other side of that fence and they did walk out 10' on the other side to see where that would be and it's just not far at all. Ms. Stock said her concern is not so much the campers, but the access road and people driving up and down it at any time of the day or night. She said she thought she heard something about it not having to be paved. If it's gravel, she's concerned about the dust. If it were blacktopped, you won't hear the vehicles driving across it like you would gravel. She said they had no idea anything like this would or could go up [when they built their house], so they are pretty disappointed about that. Ms. Stock said maybe she is not understanding, but she thought this would be something like where people could come for a week or two, drive a camper in, but what time would check-in stop? She said she's been to places where people pull in in the middle of the night and it can be quite loud. She said she's thinking to the other section they have and is that what they are proposing, where there are trailers there permanently? Mr. Stock clarified that what she's asking is if that is going to be a transient section or not.

Mr. Steinbrick said no. Ms. Dale asked Mr. Steinbrick to hold off on his responses until they are finished speaking. Ms. Stock said her main concern is the road being 10' away. Mr. Stock said that is also his concern and even though there might be a 10' buffer, no matter what it is buffered with, it won't buffer the noise. Mr. Stock said that he believes they need at least 30' of dense trees to buffer traffic moving back and forth and he found that out by living near I-480. Depending on the amount of traffic and what kind of traffic it is, it could really cause a lot of disruption from within their home. Mr. Stock said they have another neighbor who is also going to be building to the south of them along the fence as well and they'll be suffering through the same thing. Ms. Stock let her husband know that that other couple were also on the call and could speak for themselves.

The Vice-Chair asked if the applicant wanted to respond. Mr. Steinbrick said yes, that the units would be seasonal. They're family has operated this property for 60 years. They run a pretty tight ship and have an on-site manager there. Everything is shut down by 11:00p.m. and they don't have many problems with anything.

Mr. Stock asked if there is any way to move the road over and provide more of a buffer. He said as proposed there will maybe be 20' between the edge of the new street to the side of their home. Mr. Steinbrick said they've looked at all the options, but he would defer to Mr. Gillespie. Mr. Gillespie said that moving the street over more would likely cause reductions somewhere else or cause different variances, but by moving the street, it won't make this whole proposal go away or stop the project. Mr. Gillespie said the park could establish some sort of curfew to help curb the ins and outs of the people. He said if they met the 20' buffer requirement for the road, they may lose the far west row of 9 camp sites and he's not sure an additional 10' would make that much of a difference. Aside from a curfew, a fence is proposed which helps as a visual barrier and he can't speak for his client, but maybe they would be amicable to some sort of sound buffer with trees.

Ms. Stock asked if the street is proposed to be paved or if it will be gravel, so then every time someone drives over it they can hear that gravel grinding and the dust kick-up. Mr. Steinbrick said it's not in the initial plans to have it paved because 6 months out of the year no one will be in this area. Ms. Stock said she understands, but she'll be in her home 12 month out of the year and her enjoyment time

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is the summer time. She said they moved away from a highway and traffic. They are looking forward to the homes being built to the south of them to provide an additional buffer to traffic from E. Harbor Road. She said she realizes it won't be the same amount of traffic, but it potentially could be when you have that many camper back there and any guests they may have.

Mr. Gillespie said that he would believe that only those who have campsites along that west drive would be the primary ones using it. The main entry into the park is more centrally located and on the east side of this expansion area.

Ms. Grentzer said that if the campsites were turned north to south (vertically) instead of west to east (horizontally), it would likely reduce how many are on that side, but more than anything, the setbacks would then be met. Mr. Steinbrick said he understands, but it also has to be feasible to them to be able to do it.

Ms. Roberts asked Mr. Steinbrick if he's open to the idea of putting a time limit or curfew on use of the road. Mr. Steinbrick said they already do and it's 11:00p.m. Ms. Roberts confirmed that no check-ins would take place then after that time. Mr. Steinbrick said that was correct, but they really won't have check-ins anyway since this is going to be a seasonal campground. Ms. Roberts said she knows it's probably better for them to have seasonal patrons because of the water and sewer hook-ups. Mr. Steinbrick said yes, that is a big, big price.

Mr. Huffman asked what the minimum number of nights someone could bring their trailer in and then leave. Mr. Steinbrick said the way they are setting it up is when you sign up to rent, you rent for the season. Ms. Grentzer confirmed that this is not going to be transient. Mr. Steinbrick said no, that that was correct.

Ms. Stock spoke up and said that anything that can be done so the road is paved or doesn't create a lot of noise and dust that would be great. Mr. Steinbrick said they are willing to work with them on that if it becomes a problem and that they are currently working with the Regatta Association by letting them dredge for the Regatta marina off of their property.

Ms. Stock asked what it would cost for the season there. Mr. Steinbrick said they haven't officially made that determination about that yet, but he's guessing it will be somewhere between \$3,500 - \$4,000. Ms. Stock said she appreciated him sharing that because then it leads her to believe that it won't be teenage campers or partiers, but more family-oriented. Mr. Steinbrick agreed and said they're actually hoping they would all end up being aged 40 and above. He said it will be well looked-after.

Christine & Chad Tylicki, 6136 Regatta Passage, Marblehead, were both called upon and both sworn in. Mrs. Tylicki said they have the back corner lot, which is right next to this proposed RV park. She said they also have kids. One thing she's heard over & over is "the hope is for permanent but we're going to apply for both, including tent camping". She said yet Mr. Steinbrick is saying this will be permanent. She said she'd like clarification on that. Mrs. Tylicki said another thing she heard was that "usually" the firefighters like to see the streets stay clear, so parking can't happen along them. She asked what happens when people bring their friends and then there isn't enough parking. She said this spills over into the "intent". The intent of the parking spaces being provided is not for boats, but that doesn't mean they can't. She said she thinks she understands what their trying to carve up, but there is nothing from stopping the property from becoming a large parking lot. In regards to the sheds, she asked what happens if these campers don't want to pay for a shed, where are all their things going to go? She said she has a little bit of anxiety thinking about how much stuff will be next door and it's a lot to add besides just having a camper. The traffic is one thing that concerns her and just due to the nature of camping and the RV's, everyone wants to come up and just hang-out at the lake. There can't be a limit on the number of people who visit, so whether we like it or not, there will be a number of transient people walking around. Mrs. Tylicki said she's just a little confused on what it is they are asking for vs. the intent. If the intent is "A", will they allow "B" if "A" can't happen? Once those doors are opened and if this is approved, it is what it is.

Mr. Gillespie said he can answer the first part of question in regards to the classification of the RV park. He said per the State of Ohio, RV parks have 3 classifications; primitive, combined or RV. With primitive you can have tent camping but no RV's. Combined you can have tent camping or RV's. Under an RV classification you can only have RV's. Mr. Gillespie said the existing park is licensed as combined and that is typically how these go, when you apply, you apply for the same classification as the existing portion. As Mr. Steinbrick stated, they are looking to rent these out to seasonal campers and not have a turn-style. Mr. Gillespie said they have control over that based on the fees. He said the vast majority of RV parks he's worked on in this County are combined licenses, but they market to RV's. The combined licensure is looked at as the best of both worlds. Mr. Gillespie apologized if his statement because any confusion, but he was previously referencing the licensures not how it will be operated, which Mr. Steinbrick has made clear will be seasonal occupants. Mr. Steinbrick said there will be no tent camping on this property.

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Ms. Roberts asked then why they would go for that classification and not just go for the RV only classification? Mr. Gillespie that's how the State will approve this since the other section already has that same classification. Mr. Gillespie said they could apply for the RV only, because it's not going to change any of the requirements here or from the State Board of Health, but it's just because it falls in-line with what their existing licensure is. Ms. Grentzer said she doesn't understand why they can't just apply for RV only for the expansion. Mr. Gillespie said he's never applied for something different than what already exists, so he's always assumed that an expansion has to have the same classification, so he'll have to check on that.

Mrs. Tylicki said she really likes the idea of having the western sites running north and south so that decreased the need of a variance. She said she recognizes that it's not ideal for the applicants because she understands that the more sites there are the more money there is to be made. Minimizing any variance would be ideal because she fails to see any value for them personally in seeing this expanded and would love to see the 45' met. Ms. Roberts said she can understand why they are asking for the variance. Mrs. Tylicki said she can too, but she doesn't see the value it provides to them. Mr. Steinbrick pointed out that if they met the 45', that's a lot of space they're paying taxes on that they cannot use. Mrs. Tylicki commented that they purchased the property with the knowledge of the zoning requirements. Mr. Steinbrick said that when the family bought this property in 1961, there was no zoning in place. Ms. Tylicki said, she thought she heard them say earlier that they just bought this property. Mr. Steinbrick explained that there were 3 brothers that owned this and he and one brother bought-out the third brother's portion. Ms. Grentzer asked Mrs. Tylicki if she had any further questions. She indicated she did not.

Mr. Tylicki said one thing he would like to clarify is in regards to the 10' buffer and if that would be grass. Mr. Steinbrick said he thought it would be stone, but if it has to be something different, then they'll do what's required. Mr. Tylicki said he was just curious because if parking isn't allowed on that 10' buffer and along the streets because of the fire code, is that correct. Mr. Steinbrick agreed that was correct.

Ms. Dale said that the buffer can't be stone because then it will just become part of the road way. She stated it's going to have to be grassed and landscaped. Ms. Dale said that Mrs. Tylicki had touched upon parking and they are providing parking along the marina. Some of that is circumstantial on the Army Corps. of Engineer's approving a partial fill of the waterway & marina. Ms. Dale said that other recent campgrounds, the fire department has been very proactive about regularly going thru them and/or stopping and making management aware if parking is occurring along the drives and if it becomes a repeat issue they may have the means to cite the park for continuous violation. She said she won't promise that it will never happen, but at the same time she wanted to assure them that the fire department does keep a watchful eye on it because they don't want people thinking it's okay and suddenly they're out on a boat fishing all day and that's when an emergency is happening and the fire department can't get to it. Mr. Steinbrick said that parking will be policed and he added they do background checks on their occupants and that's part of the reason they don't want transients because they want to know who is in the park.

Ms. Dale asked Mr. Tylicki if he had anything more to add. He said no, that he was done.

Jeff Myers, 6129 Regatta Passage, Marblehead, was called upon and sworn in. Mr. Myers said some of it may be repetitive, but he has a lot of the same concerns. He said he's not at the end of the cul-de-sac of Regatta as the previous two speakers are, but he noticed the discrepancy also between transient vs. seasonal rental and it's been discussed enough that it doesn't need to be rehashed again. He said he also understands the financial side, but if they don't get the seasonal occupant they intend to have, does that mean they resort to transients? Mr. Steinbrick said no, it will be 100% seasonal. Mr. Myer said he would also promote making the license set-up for all RV's, because he thinks it helps put everyone at ease if they know it's not going to be tents. Mr. Myer asked if there is a "quiet time". He said he does quite a bit of camping himself, he has a camper and most campgrounds have a quiet time. Mr. Steinbrick said 11:00p.m. Mr. Myer said okay, he thought that was for check-in times. Mr. Steinbrick said no, that with it being seasonal there would be no check-in. Mr. Myer asked Ms. Dale for clarification if sheds are allowed or not. Ms. Dale said the code allows for them to have sheds, but they are not allowed to be placed in the required setback or designated open space. She said they have to be on the campsite. Mr. Myer asked if the sheds are allowed within the 8' campsite setback. Ms. Dale said yes because the 8' setback is specific to the camper. She said some of that will be regulated by the State and County codes also as far as any separation requirements between units, but she's not so sure those other agencies have separation requirements from accessory items such as a deck or a shed. Mr. Myer asked if someone has a seasonal camper, if they will be allowed to sub-lease it to a weekend person here or week-long person there? Mr. Steinbrick said absolutely not. Ms. Roberts said that may be hard to follow from a zoning standpoint. Mr. Myer agreed, but said it just goes back to the whole transient issue. Mr. Steinbrick said they don't allow that in their other section or the mobile home

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park section, so they're not going to allow it in this section either. Mr. Myer said he's not trying to insult the property or management, and Mr. Steinbrick said they run a tight-ship, but when he does come to the lot he just purchased in Regatta, the trailer that is on the west jetty; he said he read that there are no plans for that, but just from an aesthetics standpoint, and talking about campers not being over a certain age, the one out on the west jetty looks like it's about 60 yrs. old. The deck is leaning into the water and just from an eyesore standpoint, is that going to be addressed or is that the type of stuff we're going to have next door? Mr. Steinbrick said the owner of that unit has talked about residing it and redoing the deck. Mr. Steinbrick would like to say it's hopefully going to be moved out of there, but he can't say that for sure. Mr. Myer asked if it was one of the owners of the property trailer. Mr. Steinbrick said no, it belongs to an individual. He said if the gentleman stays there, they are prepared to tell that unit owner to follow-thru with his plans to improve it because... Mr. Myer said that's where this leads into, you have this family business for 60 years, and he's counting at least 7 variances being requested in addition to a number of items that are grandfathered in, will these people on the west jetty have to conform to these current requirements or are they grandfathered in as well? Mr. Steinbrick said he'd have to talk to his brother about this unit because if it were solely up to him, he'd have that unit moved out. Unfortunately the guy has paid rent for this year, so how do they make him move after paying in full? Mr. Steinbrick said they are going to make the gentlemen finish getting it fixed up. Mr. Steinbrick said at the same time, that unit has been there for a long time and well before Regatta, so he may have given it some extra thought before buying a lot knowing that unit was there. Mr. Myer said he understands, but they were told when they bought the lot in Regatta that something was being done with that, the fence was going to be extended and we wouldn't be looking at that out our back door. Mr. Myer said the last thing he had was, going back to the parking and use of the west drive, it was mentioned that it will likely only be used by those units along it, but it is essentially a circle and he thinks it will be used more than they think. Mr. Myer finished by saying he echo's the same concerns raised by the others. He feels like they are trying to pack a lot into a small space. From the business side he appreciates and understands it, but the packing it in, he's not too excited about because a lot of other issues can arise with that.

Ms. Roberts said she had a question for Mr. Steinbrick. She said he has said some things a couple of different ways. She said one of those being that they are going to be very careful about what the RV's will look like and the age of them, but she would think in regards to this west jetty unit, that they could withhold renewing a lease agreement until the guy gets the place fixed up. She asked if that's an option. Mr. Steinbrick said they are hopeful he finishes fixing it up. In a perfect world, the guy would remove it and get a new one. Ms. Roberts asked what they will do if he doesn't do any of that? Mr. Steinbrick said they'll make the gentleman get rid of it. Ms. Dale spoke up and said the difference is, and she's spoken with Adam, Willie's brother about this particular unit, but the difference is that the west jetty unit is a manufactured home and 1 of the 65 unit licensed MHP's, not the RV park under consideration. Ms. Roberts asked if it's on a foundation. Ms. Dale said manufactured homes don't necessarily have to be on a foundation in the traditional sense, they can be on pilings. Ms. Roberts said she understands, but was curious. Ms. Dale said she understands the argument about not renewing a lease, but that's more of an internal management issue. She said what Adam had expressed to her, and this is obviously between the brothers, but Adam had expressed hopes of possibly being able to move this unit to an open site within the existing MHP as possibly one way of removing the unit without getting rid of the person paying land rent. She reiterated that how they handle that situation is internal, but she wanted to clarify that that unit is a MHP unit and not a camper and part of this campground expansion application. Ms. Roberts asked again if it was on a foundation, wheels or piers. Mr. Steinbrick said he thinks it's on block, but he doesn't know if there are footers. He commented, does he think it's an eyesore, yes. Will the guy have to do something, yes.

Melissa & Gary Berner, 6121 Regatta Passage, Marblehead, were both called upon. Mrs. Berner said she would be speaking and was sworn in. Mrs. Berner said she doesn't have a whole lot more to say because she thinks it would be redundant. She said she agrees with Mr. Myer about the traffic. She said she is concerned about all the variances frankly. She said they have worked really hard to stay within the requirements for their own house plans, so when she heard there were going to be all these variances it frustrated her. Mrs. Berner said she is concerned about the lack of greenspace because she thinks that helps the overall look and feel, but could help the economic value of not only that property but their property as well. She said for the record, they also were the trailer would be removed and felt Mr. Steinbrick's comment about knowing what we were buying next to was kind of a snarky remark. In fairness, we were told that was going to be dealt with. Mr. Steinbrick asked who they were told that by. Mrs. Berner said it was either the realtor, Tomi Johnson or the developer, Jeff Rospert. She said she thinks it was Ms. Johnson because that is who she dealt with more when buying the lot. Mr. Steinbrick said Ms. Johnson never talked to them. Mrs. Berner said if they could move the road over more, that would be awesome. She stated she felt like 25 units was a lot to fit in and when you do

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the math on the number of people that will bring in, she hopes there is enough parking and she would think that 1-2 parking spaces have to be provided for each site. She said if they could more room from the west drive and some trees to help make it look nicer, she'd be happier with that. Mr. Steinbrick asked how Regatta's fence looks right now. Mrs. Berner said she didn't put that fence in and that's something that would have to be discussed with the developer, but she knows he's working on it.

Ms. Grentzer asked if there were any further questions from the Board. Mr. Shetler said he had a multi-part question that may be directed to Mr. Gillespie. Looking at the site plan that is on the shared screen, the 30' road on the east is probably considered to be the main access road, correct? Mr. Gillespie said yes. Mr. Shetler said to his count, there are 8 mobile homes along there and where to they park after this takes place? Mr. Steinbrick said they can park right along the curb. Mr. Shetler said the drawing does not indicate this and the plan has a notation that says "no parking" will be allowed along the sides of any of these access roads. Mr. Gillespie said okay and they could set-up a 10' area along there for those units. Mr. Shetler said but the plans don't show it. Mr. Shetler said the second part is if they can't do that, then where are those mobile homes going to park? With those 8 units plus the 25 RV sites, that 33 units and parking spaces needed without any guests. Mr. Gillespie said they do have some parking to the south. Mr. Shetler said he understands, but he's simply reading the blueprint they've provided. Mr. Gillespie asked what he's asking. Mr. Shetler said based on his blueprint, they aren't addressing the parking of the existing mobile home trailers and 25 new campsites for even one vehicle per, and that's if nobody else shows up. Mr. Gillespie said the average parking space is 10' x 20' so they will have some room along that eastern street. Mr. Shetler asked Ms. Dale if that would satisfy the fire department. Ms. Dale stated that she believed so because they typically require 20' minimum, so they could put some parallel parking along there. Mr. Shetler said his point is, it would be nice to see on this plan. Ms. Dale said she agreed, but that could be a condition added. Ms. Dale said she can't speak for them entirely, but if the Board looks at the typical campsite section drawing, they show a 10' wide parking pad for the camper unit and 12' left over on part of the site. She said not only can they have a shed in the 8' setback for the campsite, but they can also park in that 8' setback. She explained that 12' would be wide enough for an on-site parking spot at each of the campsites, but that would then mean they won't have room for many extras such as a deck. So if each camp site does have space for a parking spot, then the other parking spaces provided along the marina and at the main entrance become the second or guest parking spot. Ms. Roberts asked when they've approved these before, didn't they approve them based on 2 parking spaces. Ms. Dale said no, there is no specific parking requirement for campgrounds. Mr. Gillespie said that these campsite will be similar in size as The Forest.

Mr. Huffman said he has one questions. He asked Ms. Dale to zoom in to the west side and asked if there are 9 campsites there. Ms. Dale said yes. Mr. Huffman asked if these 9 lots were turned so they are north/south and more space was provided along the west fence, how many campsites would they lose and could those spots be relocated somewhere else? Mr. Gillespie said if they were to move the road over, they could possibly meet the 20' buffer. To have the lots north/south they would have to be a little longer than 40' to be able to essentially parallel park, so he believes they would lose 4-5 campsites. Mr. Gillespie said to relocate those sites would be tough without other variances, so they would likely lose them.

Ms. Grentzer asked if by eliminating site 40 & 41 by the pool would help the open space calculation. She also commented that the proximity of those campers to the pavilion and pool provides little privacy. Mr. Steinbrick stated they intend to provide a fence to help with the privacy. Mr. Gillespie said he'd have to do the math to see if the removal of those sites would make a difference. He said it's hard when the land area within the setbacks and buffer doesn't count towards the open space requirement.

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

Ms. Roberts motioned to recess into executive session to deliberate the merits of the case. Mr. Huffman seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Zsigo – yes. The motion carried and the Board recessed at 9:24p.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.

Ms. Dale explained that the Board has a lot of Decision Criteria to go through so deliberations could take 30-45 minutes or longer and asked everyone to be patient.

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. Roberts – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Zsigo – yes. The Board reconvened at 10:47p.m.

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The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-017:

### Finding #1

**With regard to the request for a Conditional Use for BZA-2021-017 in accordance with Section 3.5 & Section 4.15 for a Recreational Camp/Campground expansion for the property located at 6271 E. Harbor Road/SR 163:**

1. The Conditional Use **will** be harmonious with and in accordance with the **general** objectives of the Danbury Township Land Use Plan because the plan calls for this property to be “Recreational & Marine” which is defined as an area that consists of developments that cater to recreation, camping, water recreation and tourism within the Township. Additionally, it is a goal of the Land Use Plan to manage growth within the Township by supporting existing businesses to expand, redevelop and infill development as oppose to further outward expansion on vacant farmland.
2. The Conditional Use **will** be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use **will not** change the essential character of the same area because a portion of the property is currently used as a recreational campground and manufactured home park that is high density.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses for the same reason at stated in standard #2 above.
4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole because use of the property as a recreational camp is potentially less impactful than if it were developed to its full commercial capacity the “R-C” Recreational Commercial zoning would allow and has more restrictive setback requirements for the recreational camp than what the “R-C” zoning district would require.
5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities to the site are available.
6. The Conditional Use **will** have vehicular approaches to the property which **will** be designated so as **not to create** an interference with traffic on surrounding public/private streets or roads because existing vehicular approaches are adequate to servicing the site and campers are not regularly moved in and out of the park.

Mr. Shetler moved that the Board adopts the findings of fact as read by the Recording Secretary and further moved that the Board has given due regard to the nature and condition of all adjacent uses and structure; the influence of the request on adjacent properties, neighborhood and community, the uses specifically mentioned in the “R-C” Recreational Commercial zoning district and after considering and weighing these factors, the Board finds that Decision Standards(s) (1) (2) (4) weigh more heavily to show that:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the “R-C” Recreational Commercial Zoning District and the intent and purpose of the zoning resolution; and
- b. There **is** a preponderance of reliable, probative and substantial testimony and evidence that **supports** the applicants request for the Conditional Use;

Therefore, the requests should be accordingly **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1.) That, any additional docks added to the marina to accommodate the additional campsites are applied for and receive the necessary zoning permits.
- 2.) That, no recreational vehicles, boats, trailers and the like are stored in any portion of the required setbacks or buffer zone for the expansion area.
- 3.) That, all Landscaping and Buffering requirements in Section 5.8 of the zoning resolution are met.
- 4.) That, a minimum of one (1) parallel parking space for each of the eight (8) MHP units on the east side of the eastern entrance, is provided.

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

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### Finding #2

**With regard to BZA-2021-017 requesting Area Variances to Section 4.15.2.A to allow the Recreational Camp on less than 10 acres (2.458ac. for expansion area), Section 4.15.2.C to encroach into the required 45' east side-yard setback (30' proposed), Section 4.15.2.C to allow the roadway to encroach into the required 20' east buffer (0' proposed – See also Sec. 4.15.2.E) and Section 4.15.4 2.F to have less than the required 25% open space (0.615 ac. required/ 0.535 ac. proposed) for the property located at 6271 E. Harbor Road/SR 163:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variances because the property can be used for any use as permitted in the “R-C” Recreational Commercial zoning district.
2. The variances **are not** substantial because there is no way for them to meet the requirements of the 10ac. minimum because there is no additional land to purchase, and the east variances being requested are essentially from themselves. Additionally, they are asking for a 3% decrease in the open space but will still have open space available that cannot be included due to the setbacks.
3. The essential character of the neighborhood **would not** be substantially altered by the variances and adjoining properties **would not** suffer a substantial detriment as a result of the variances because a portion of the property is currently used as a recreational campground and manufactured home park that is high density.
4. The variances **would not** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because services are currently available.
5. The property owner **has** purchased the property with knowledge of the zoning restrictions.
6. The property owner’s predicament **cannot** feasibly be obviated through some method other than a variance for the same reasons as stated in decision standard #2 above.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variances.

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 Standard(s) (2) (3) (6) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variances requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for the variances.

Therefore, these Variances should be accordingly **APPROVED**.

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

### Finding #3

**With regard to BZA-2021-017 and requests for Area Variances to Section 4.15.2.C to encroach into the required 45' west side-yard setbacks (30' proposed) and Section 4.15.2.C to allow the roadway to encroach into the required 20' west buffer (10' proposed – See also Sec. 4.15.2.E) for the property located at 6271 E. Harbor Road/SR 163:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variances because the property can be used for any use as permitted in the “R-C” Recreational Commercial zoning district.
2. The variance **is** substantial because while the existing camp and MHP are nonconforming and may remain, the new section should comply with the zoning restrictions to lessen the impact on surrounding properties.
3. The essential character of the neighborhood **would** be substantially altered by the variances and adjoining properties **would** suffer a substantial detriment as a result of the variances because there is sufficient space to meet the setback and buffer requirements.
4. The variances **would not** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because services are currently available.

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5. The property owner **has** purchased the property with knowledge of the zoning restrictions.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance because this would be new construction and layout for an undeveloped portion of the property that has space to meet the setback requirements and still accommodate additional campsites.
7. The spirit and intent behind the zoning requirement **would not** be observed and substantial justice done by granting the variances.

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 not** sufficient to warrant granting the Variances requested.
- b. There **is not** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does not** support the applicants request for a variance.

Therefore, these Variances should be accordingly **DENIED**.

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

Ms. Dale summarized the decisions that just took place.

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

Mr. Fetzer & Ms. Bauer rejoined the meeting.

### **Approval of January 20, 2021 Board of Zoning Appeals Meeting Minutes**

Ms. Bauer made a motion to approve the January 20, 2021 meeting minutes as presented. Mr. Shetler seconded the motion. Ms. Roberts & Ms. Grentzer Abstained. 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. Ms. Bauer motioned for approval of the decision sheet as presented. Ms. Zsigo seconded. Ms. Roberts & Ms. Grentzer Abstained. All were in favor and the motion carried.

- a. **BZA-2021-001 2380 N. Buck Road.** 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). **Tom Beercheck & Jennifer Brown, Owners/ Applicant.**

### **Old Business**

There was none.

### **New Business**

#### **Swearing-in:**

Ms. Dale swore in Ms. Roberts who was reappointed by the Trustees with a term not set to expire 12/31/2025.

#### **Minor/Major Modification Determination:**

Ms. Dale shared that Ms. Puckett who was the applicant for BZA-2020-196, 5686 E. Harbor Road, Unit A-1 for the doggie daycare case held last year, has the opportunity to now also occupy tenant space A-2 as well for this use. Ms. Dale explained that typically when boundaries are changed to a Conditional Use, it should be considered as a Major Amendment. In this case there is also concern regarding whether the use will be expanded beyond what was discussed from her hearing last September. The Board agreed that this case should be reopened as a Major Modification.

### **Other Business**

There was none.

### **Reports and Communications from Members and Staff**

There were none.

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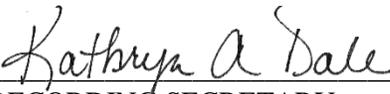
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### Adjournment

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 11:26p.m.

  
RECORDING SECRETARY

  
dotloop verified  
03/17/21 5:57 PM EDT  
GODE-J3PO-CHMY-ZTWX

  
dotloop verified  
03/18/21 2:37 PM EDT  
HFKE-RPGT-GCDX-EVM4

  
dotloop verified  
03/18/21 8:29 AM EDT  
JBLO-8ADN-8GUR-UAYT

  
dotloop verified  
03/17/21 8:51 PM EDT  
SSMV-NB2C-YRVI-YTG7

  
dotloop verified  
03/17/21 5:10 PM EDT  
PRQZ-XNBJ-DE9U-W2D6

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