

## Danbury Township Board of Zoning Appeals

March 17,

21

The Danbury Township Board of Zoning Appeals was called to order at 5:04p.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. Loretta Grentzer and Alternates, Mr. Gregory Huffman and Ms. Patty Zsigo. Ms. Sherry Roberts was excused. Also present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were Samantha Puckett, Mark Montgomery, Phil Strine, Willie Steinbrick, Adam Steinbrick, David Stock, Chad Tylicki, Jeff Myers, Russ Wahlers, David Wahlers, Tom Kihlken, Stacey & David Streeter, and Russell Veverka.

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 #2021-025**  
**5686 E. Harbor Road, Unit A-1 & A-2**  
**Puckett**

**Request for a Major Modification to a previously approved Conditional Use in accordance with Section 3.4 and 7.11 to allow a kennel (doggie daycare).**

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Grentzer moved and Mr. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant came to us in September 2020 under application BZA-2020-196 for Conditional use as a Kennel for a doggie daycare and boarding facility in the end unit of the Safe Harbor Development retail center (Unit A-1). This included the tenant space of 25' x 80' (2,000s.f.) and a 16' x 80' (1,280s.f.) grassy fenced-in area with a privacy fence next to the unit for outdoor play of the dogs.

The applicant is now proposing to also utilize tenant space Unit A-2 for this operation which is an additional 25' x 80' (4,000s.f. total). According to Section 7.11.4 of the Danbury Township Zoning Resolution, modifications to a previously approved Conditional Use shall be considered to be minor or major depending on the criteria of the modification. A major modification is one where there is an increase in density or intensity, or change to the property or project boundaries.

According to the September application, the tenant finish plan indicated there would be indoor play space, a cleaning area, space reserved for puppies, grooming & training services, an office, storage space and a front reception desk area as well as some retail. The business would be operated 24/7, year-round. In September, there was no specific number on how many dogs would be in the single-unit facility.

At the beginning of February, 02/08/21 when the applicant inquired about the review process to utilize the additional retail unit, she indicated that the additional space would help expand or provide more space for things such as grooming, the internal play area, and the restroom facilities. She also indicated that the maximum capacity would be 60-70 dogs which would involve 20-30 for daycare and 40 for boarding. According to the applicant's correspondence following this on 02/18 and 2/28, she has decided to reduce the dog intake to 40 maximum. The hand-drawn interior plan indicates that there will be 18 kennel suites for overnight boarding. Photographs A-D provided in the packet show the concept of what the kennel space will look like. Professional drawings of the tenant finish are expected by the time of the hearing, but may not be ready by time packets are distributed to the Board.

The landlord of the commercial building plans to also join the meeting this month to share terms of the tenant agreement as well as materials they are requiring within the tenant space to ensure safe and sanitary conditions of the operation.

As shared last September, a kennel is listed as a Conditional Use in the "C-2" General Commercial Zoning District, but there are no specific standards listed for such use in Article 4. A 'kennel' is defined as:

## Danbury Township Board of Zoning Appeals

March 17,

21

*Any lot or premises on which four (4) or more domesticated dogs and cats, more than four (4) months of age are housed, groomed, bred, boarded, trained, bought, or sold for commercial gain and which offers provisions for minor medical treatment.*

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. Ms. Grentzer said that next to the driveway, there is a mobile home park with full-time residents. She asked what the distance is from the grassy area to the mobile home park. Ms. Dale said that according to the drawings submitted, there is 70' from the east property line to the end of the commercial building or unit A-1. Ms. Dale said that the grassy area is 16' wide, so that would mean there would be 54' to the common property line with the mobile home park.

Mr. Fetzer called upon the applicant.

Samantha Puckett, Agent/ Applicant, 1906 Jeannie Drive, Marblehead was called upon and sworn in. Ms. Puckett reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as she had submitted. Ms. Puckett said in the last meeting in September she provided the full details about the business operation and with this application she will focus on the expansion. Ms. Puckett said her goal is to make the daycare and boarding facility open to anyone who wants to bring their dog. With the A-1 Unit they were just going to do daycare, which means the dog has to be spayed or neutered and well-tempered. This will cut back on what she estimates to be about 70% of dogs or enrollment. With having boarding space now, they can eliminate some requirements. A dog would not have to be spayed or neutered to be boarded since they would be in a kenneled space. Also, if they have a temperament issue with other dogs, they would have the means to separate. She said the kenneling side will allow wider opportunity for all scenarios. Her hope is that when people visit and if they have brought their dog but don't want to take it with them when they go to the islands that there would be a place available to watch them for the day.

Ms. Puckett said the kennels they have decided will look more like photograph C & D in her packet. They will look more like photograph C but be the height as shown in photograph D with the T-walls. Ms. Puckett said with the increase of dogs, she wants to increase waste pick-up to every other day so that smell doesn't become an issue. She said when a dog does expel waste it would be picked up immediately.

Ms. Bauer said she thinks another concern was the number of dogs that would be allowed into the facility. Ms. Puckett said of course. She said they have settled on a maximum number of 40 dogs at all times. Ms. Bauer said there aren't 40 kennels though in the plans. Ms. Puckett said that in the first meeting back in September, they intended to operate 24/7. With this expansion they will offer a "kennel-free" option. There will be an employee staying overnight with them and then there would also be the option to be kenneled, which would be priority for dogs that can't be in the daycare area. Ms. Bauer asked how many people she thinks she will need to employ. Ms. Puckett said 10-12 so there are at least two people watching the dogs at all times, on top of herself to handle check-in, reservations and assessments. She said the daycare she has taken her dog to in Columbus recommended 1 staff member per 15-20 dogs. She said she wants 2 staff members on duty at all times no matter how many dogs are there.

Ms. Grentzer said that when someone starts a business, they do some sort of survey or analysis to determine the need or the number dogs in this case – have you done this? Ms. Puckett said not formally, but she has seen a number of these facilities in bigger cities and thinks that would correlate to our summer season here. She also said she's received a lot of good feedback thru Facebook from people expressing an interest in this. Ms. Grentzer said she commented before about the mobile home park to the east and is wondering if they intend to install any sort of added insulation on that side of the building to buffer barking sounds. Ms. Puckett said that is something she could discuss with Mr. Montgomery on more if the Board believes it would be necessary. She said that part of the admission survey will include whether the dog is prone to barking and what might trigger barking for a particular dog because they do want to be cognizant of that and try to prevent it as much as possible. She said that if a dog is triggered by a lot of things and an incessant barker, then this just may not be the place for them. Ms. Grentzer said she doesn't understand how they'll pre-evaluate if someone just shows up to drop their dog off. Ms. Puckett said that they will have a trial period for many of the dogs who will be regulars to see how they do and see if they are a good fit for daycare. Ms. Grentzer went back to her original question and said that at this time they have no intentions to insulate. Ms. Puckett said no, but if the Board feels it's necessary, then they will definitely put it in place. Ms. Grentzer said the last thing she has is that the grassy area is a very minimal space for 40 dogs. She asked if they would all be going out at the same time. Ms. Puckett said no, and that only daycare dogs would be able to go out with other daycare dogs since they are able to socialize better than the dogs that would be in the kennels. Kenneled dogs would go out one-by-one. Ms. Puckett said 40 dogs would never be outside all at one time. Ms.

## Danbury Township Board of Zoning Appeals

March 17,

21

Grentzer asked if she were denied the double space if she would go back to the single unit space. Ms. Puckett said yes and that in the single space they would have about 20-30 dogs.

Mr. Fetzer asked for clarification if the overnight boarding would also be up to 40 dogs or just for the kenneled space. Ms. Puckett said there could be potential for 40 boarded dogs because daycare dogs are going to be non-kenneled anyway. She said kenneled dogs would remain kenneled, but if a daycare dog doesn't have a kennel reserved for overnight stay, they would remain be kennel-free and remain in the daycare area overnight. She said it's not likely that daycare dogs would be staying overnight, but they aren't ruling that option out. Mr. Fetzer said he understands. He was thinking only the kennels would be used for overnight, but if dogs are social, they could remain in the open play area, sleeping on the ground outside of one of the kennels. Ms. Puckett said yes.

Mark Montgomery, Owner/Landlord of Safe Harbor Development, 5686 E. Harbor Road, Marblehead was called upon and sworn in. Mr. Montgomery said Ms. Puckett has come a long way since first coming before the Board in September. She's been given a lot of guidance on how to get the type of operation she wants to run and the extra space will help also accomplish that. Mr. Montgomery said he'd like to address Ms. Grentzer's concerns about noise. He said the building is insulated and it is block. He said if 30-40 dogs were all barking at once inside, it should have no sound effect outside. He said as a landlord, they are obviously always concerned when you bring in this type of operation that they've covered it. Mr. Montgomery said he's not sure if Ms. Puckett supplied the Board with a copy of the lease, but a few of the items in the lease include in a section under "Use" that explains what she can do. He said they have some specific language regarding the outdoor space. There are seven conditions of the lease listed A-G. He said there must be a 6' high white poly, privacy fencing to help eliminate any distractions for the dogs or cause them to want to bark, but that the grassy area shall be enclosed. Another condition of the lease is that there shall be daily removal of any animal waste and dispose of properly. He said they are just as concerned as anyone else about smell and noise. Item C states that *"Any animal causing a nuisance to others will be immediately removed and placed in doors. Landlord reserves the right to limit the number of animals within the area at any one time."* That he said they feel is their fallback that if this became a problem, they would restrict her from using the outdoor space. He said they also added that the outdoor space can only be used from dawn to dusk. Mr. Montgomery said they are also requiring that all the floors are epoxy coated to prevent any urine smells from permeating through the space. Mr. Montgomery said Ms. Puckett has a really nice layout now and thinks that the Board should consider that she was approved previously for 20-30 animals and this additional space will only bring on 10 more and it makes sense to give her the opportunity to board and provide proper kenneling. Mr. Montgomery said they have tried to make sure that they, as owner of the building also have plenty of control to keep this business in-line without being a nuisance to the area.

Ms. Grentzer asked if copy of the lease was provided to Ms. Dale. Ms. Dale said she did not receive a copy. Mr. Montgomery said he was going to forward it to her via email. He asked that the terms not be shared. Ms. Dale asked if the lease has been signed by both parties. Mr. Montgomery said that it has been signed and agreed too. Ms. Dale stated that the lease agreement will be entered into the record and file as Applicant's Ex. 2. Ms. Grentzer asked Mr. Montgomery if this is something he will be monitoring on a regular basis. He said yes. Ms. Dale shared the lease agreement language on her shared screen. Mr. Fetzer asked to clarify if just the one page from the lease listing the conditions would be entered into the records as the exhibit. Ms. Dale said she would like to enter the whole lease, but have them redact the pricing terms since that could change over time and be different with different tenants.

Mr. Fetzer asked if there was anyone with standing who wished to testify or other correspondence received. Ms. Dale shared that there is one neighbor 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 crises situation. She reported that she had not received any written correspondence from any adjoining neighbors.

Philip Strine (Bennico Dilly Group), 5644 E. Harbor Road, Marblehead was called upon and sworn in. Mr. Strine said he would like to say he likes the business idea and loves dogs because he has dogs himself, and he thinks the area needs a business like this. However, his real thoughts on this is that he does not think this is the right location for this type of business. Some of the concerns he shares were touched upon earlier in regards to soundproofing and the sanitary side. He said he heard the testimony from the landlord and agree that the building is built very well, but when he is on his property and the bar has bands playing at night, you can clearly hear the band. He said it's overall alright because it's a band on a Friday night, but he has concerns about dogs being there 24/7, 365 days a year. Mr. Strine said he understands what the landlord is saying, but he thinks it's going to be an issue from a sound standpoint and every time the door is opened to let dogs in and out you're going to hear barking. He said he has tenants on his property that both live there and run a business and he doesn't want to see the peace get disturbed for them. Mr. Strine said that this type of business would make more sense out in the country where the dogs would have the room to run outdoors and not a little 16' x 80' space. He

## Danbury Township Board of Zoning Appeals

March 17,

21

said he's a little concerned with how humane it is to have all these animals eliminating themselves all in the same little space. The grass just isn't going to survive with 40 dogs. Mr. Strine said that he would like to see the Board add a condition that Safe Harbor be required to provide some additional property between his property and theirs, also in the event that if a dog does get loose, he doesn't want the liability of something happening on his property at no fault of himself or one of his tenants.

Ms. Grentzer asked where Mr. Strine's property is located. Mr. Strine said he has a duplex out in front of Safe Harbor and there is a detailing business in the back. Ms. Grentzer asked him to expound about being able to hear the bands coming from the building that is apparently well insulated. Mr. Strine said he really doesn't have a problem with it cause bands want to loud, but it's occasional and not all the time day and night all year long, but they can still be heard and that's the point he was trying to make. Mr. Strine said he takes his own dogs to a daycare that is located in a country setting, within a brick building and when he pulls in, he can hear dogs barking from where he parks 100' away from the front door. Mr. Strine said he appreciates that they're going to attempt to do some screening, but said look, 40 dogs together just isn't going to be quite.

There were no further questions from the Board or rebuttals from the applicant. Ms. Puckett said she only had one comment and that was in a standard daycare, they do a 10 minute assessment and are looking strictly for aggression and how well a dog gets along with others. The daycare she's taken her dogs to in Columbus she admits is very loud and you can hear them from outside of the building, but she was unsure if it was insulated. She said if dogs are playing, they shouldn't be barking and growling at each other. She said that's why she wants to have a more in-depth trial period for dogs coming into her facility. She said they are taking every step possible to eliminate nuisance situations. Ms. Grentzer said she will be psychoanalyzing dogs. Ms. Puckett said essentially yes. She said she has taken many classes on this and loves learning about dog behavior and personalities. She said she's willing to put in the work to have a well-run business that isn't a nuisance.

Mr. Fetzer asked if Mr. Montgomery had anything more to add. Mr. Montgomery stated he did. He said they do rent to Erie Shuffle and they also have a noise restriction and he's been on the premises on Friday and Saturday evenings when the bands are playing and he said, short of the door opening and closing as people come and go, there is no sound coming out of the building. This is a commercially designated area and somewhere along the way the mixed-use make up occurred in these districts. He said he thinks it makes more sense for Ms. Puckett to get more room from a practicality point of view. She's doubling her space and giving the animals more room to run around and not be on top of each other. Mr. Montgomery said he's really not concerned about noise being heard from outside the building and if he finds that there are dogs in the outside area constantly barking, he won't tolerate that. He said that is part of the reason why their language is so direct in the lease and no negotiation. He said it's strictly up to them as the landlords to determine if this becomes a nuisance. He said they have other tenants and patrons coming there all the time and they feel they have thought this out. He said they also did their own research and he was surprised that a good friend of his who is a developer in the Columbus area rents to 3 dog daycare facilities. Mr. Montgomery said his first feeling was no, not to allow this, but after talking to his friend, the friend provided them with a lot of guidelines to make sure they included for this type of use.

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

Ms. Zsigo motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:04p.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. Mr. Shetler moved and Ms. Bauer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 6:32p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-025:

**With regard to Case #BZA-2021-025, a request for a Major Modification to a previously approved Conditional Use in accordance with Section 3.4 and 7.11 to allow a kennel (doggie daycare) for the property located at 5686 E. Harbor Road, Unit #A-1 & A-2.**

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 area to be “Corridor & Commercial” area which is generally made up of non-residential uses (i.e. Commercial, Storage, Offices). There is also a “Corridor Enhancement” overlay where focus should be made to enhance landscaping, signage and access to improve the local image along Major

## Danbury Township Board of Zoning Appeals

March 17,

21

thoroughfares in the Township. Furthermore, the goal of Economic Development is to “Promote diverse businesses, attract residents, local service and year-round, full-time employment opportunities”.

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 the business operation will primarily take place indoors in an existing commercial retail center.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses for the same reasons as stated above in #2.
4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole for the same reasons as stated above in #2 & #3.
5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities are currently available to the property and would remain unchanged.
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 the property has an existing vehicular approach adequate to service the site and will not cause any interference with the traffic flow from SR 163.

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 “C-2” General Commercial zoning district and after considering and weighing these factors, the Board finds that Decision Standards (1) (2) (5) are met:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the “C-2” General 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**.

Motion Seconded by Ms. Bauer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Zsigo – 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 April 21, 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 #2021-029  
6271 E. Harbor Road  
Harbor Haven - Steinbrick**

**Request for an Area Variance to Section 4.15.2.C to encroach into the required 45’ east side-yard setback (0’ proposed) and Section 4.15.2.C to allow encroachment into the required 20’ buffer (0’ proposed on east – See also Sec. 4.15.2.E).**

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 stated that Alternates, Ms. Zsigo and Mr. Huffman would be seated for the case. She also explained that only 4 members would be voting on the case. She stated majority is needed for a decision to be rendered. If the vote results in a tie, then the application will be automatically placed on the next agenda in April. The applicants were made aware of this prior to the meeting and wish to still continue to move forward with the hearing this evening instead of waiting for a full Board to be present.

Ms. Dale clarified for the record that Ms. Grentzer, as Vice-Chair would be conducting this hearing since Mr. Fetzer has abstained. Mr. Fetzer and Ms. Bauer were 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.

## Danbury Township Board of Zoning Appeals

March 17,

21

The Vice-Chair asked for a motion to open the public hearing. Ms. Zsigo 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 this application is essentially a continuation from February. The BZA approved in February the Conditional Use for the property to be expanded upon and used as a Recreational Camp. Also approved was a 30' east, side-yard setback to the 3 campsites (#43-#45) on the west side of the east entry and a 0' buffer requirement for the access road where 20' was required. However, in February, the Board decided to deny the applicants request for a side-yard setback reduction and buffer reduction along their west property line. This application is the redesign of that decision.

This plan now shows the west requirements being met, however, that meant relocating 3 sites that would have been lost in order to obtain the goal of 25 camp sites. The applicant has rotated the east row of the west side RV sites vertically instead of horizontally to meet the setback and buffer requirements. They are proposing to make up one of the sites, now identified as campsite #37 on the north side of the shelter house. The other 2 make-up campsites are proposed on the east side of the east main entry, now identified as campsites #46 & #47. These 2 sites will require additional variances for setback and buffer since there were no sites proposed in this location in the initial application.

In February the BZA approved a slight decrease to the required open space from 25% to 21.75%. The applicant has removed one of the access drives north of the shelter house which is now all open space and makes the open space calculation the same to what was granted in February. The circulation within the proposed expansion area for traffic essentially remains unchanged because the drive along the parking spaces where the marina is, is a two-way access drive.

The approvals granted in February still stand and are not on the table for reconsideration. The only items for consideration in this modified plan are in regards to whether or not the 45' setback and 20' buffer reduction to 0' for the two (2) campsites, #46 & #47 should be granted.

One of the conditions placed on the project last month was that parking needed to be provided along the east main entrance for the eight (8) existing MHP's, which the applicant now shows will be marked and reserved.

### **ZONING CODE REQUIREMENTS:**

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

*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 a 0' setback and buffer for campsites #46 & #47 from the east boundary line of this expansion area.

Only the Duncan Standards need to be taken into consideration when deciding this request. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations as well as relisting the prior conditions from BZA-2021-017 for the Board to consider, for continuity, should they approve the request.

Ms. Grentzer asked if any Board Members had any questions for the Ms. Dale. There were none.

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

William Steinbrick, Owner/Applicant, 5060 E. Port Clinton Eastern Road, Marblehead, was called upon and sworn in. Adam Steinbrick, Owner/Applicant, 6020 E. Port Clinton Eastern Road, Marblehead, was called upon and sworn in. Mr. Willie Steinbrick reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as they had submitted. Adam Steinbrick said that Ms. Dale did a very nice job reviewing what this request is about. He said they obviously were looking to get as many campsites as possible and with losing lots after having to meet the 45' side-yard setback, they had to look at other options to make it feasible to justify the addition of this. Adam Steinbrick continued that they now meet the west setbacks and they wanted to address the parking along the main entrance for the mobile home units. He said it's actually probably safer for them this way as opposed to parking across this street and having to walk across to their unit.

Ms. Grentzer asked if the Board Members had any questions for the Steinbrick's. There were none. 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 upon them one-by-one. 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

## Danbury Township Board of Zoning Appeals

March 17, 21

statements due to the health crises situation. She reported that she had not received any written correspondence from any adjoining neighbors.

David Wahlers was called upon and stated he had no comment.

David Stock, 6137 Regatta Passage, Marblehead, was called upon and sworn in. Mr. Stock said he would like to thank the applicants for now providing the 20' buffer from the west property line. He said he just had a question wondering if the road would be gravel or blacktopped. Mr. Adam Steinbrick said at this time it will be gravel. He said at some time they may change it to blacktop like other parts of the park, but to start off with it will be gravel. Mr. Stock asked if anything more will happen with the trailer at the end of the west jetty. Adam Steinbrick said there is no intention to move that at this time. Mr. Stock said there is a notation about a white fence. He was wondering if they were going to put up another white fence. Adam Steinbrick said they would like to overlap with a similar fence along the west property line up to where their 70' front-yard setback requirement is and then it would head eastward to the drive.

Jeff Myers, 6129 Regatta Passage, Marblehead, was called upon and sworn in. He said he does appreciate the new layout meeting the setbacks from the west property line. Mr. Meyers said his only other concern is the mobile home that Adam said there is no plans to do anything with it, but it looks like it's already past the 45' setback. That mobile home is falling apart, the deck attached to it is falling apart and he's concerned with 25 new lots going in that they'll be allowed to get to the point of this mobile home out on the jetty. Mr. Meyer said that is his foremost concern and the effect that would have on property values. He said he's just wondering how that unit can remain. Ms. Dale said this was addressed in last month's meeting that this unit is grandfathered and allowed to remain.

Chad Tylicki, 6136 Regatta Passage, Marblehead, was called upon and stated he had no comment. Ms. Dale said there was another person on with the Tylicki name and she just wanted to make sure they still were not on. Mr. Tylicki said his wife was on but she has hung-up and left the meeting.

Russ Wahlers was called upon and stated he had no comment.

Tom Kihlken was called upon and stated he had no comment.

Ms. Grentzer asked if there were any further questions from the Board. There were none.

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

Mr. Huffman motioned to recess into executive session to deliberate the merits of the case. Ms. Zsigo seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Zsigo – yes; Ms. Grentzer – yes. The motion carried and the Board recessed at 7:06p.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. Mr. Huffman moved and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Zsigo – yes; Ms. Grentzer – yes. The Board reconvened at 7:15p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-029:

**With regard to BZA-2021-029 requesting Area Variances to Section 4.15.2.C to encroach into the required 45' east side-yard setback (0' proposed) and Section 4.15.2.C to allow encroachment into the required 20' buffer (0' proposed on east – 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 variances **are not** substantial because the east variances being requested are essentially from themselves.
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.

## Danbury Township Board of Zoning Appeals

March 17,

21

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 because they have prepared this plan to meet the Board's prior decisions and are trying to maintain their goal of 25 campsites to allow the project to remain feasible. To relocate these two campsites elsewhere on the property, it would likely make other variances necessary such as further reducing the open space requirement.
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 Standards(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 a variance.

Therefore, the Variance should be accordingly **APPROVED WITH THE CONDITIONS AS STIPULATED IN BZA #2021-017.**

Motion Seconded by Ms. Zsigo. Roll Call Vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Zsigo – yes; Ms. Grentzer – yes. Vote 4-0 the motion passed.

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.

The Vice-Chair asked for a 5 minute recess before starting the next case and said we would begin at 7:25p.m. Hearing started at 7:25p.m.

### **Adjudication Hearing Case BZA #2021-030 243 Hamilton Streeter**

#### **Request for an Area Variance from Section 3.5 & Section 5.1.7 to allow for a deck to encroach into the north, side-yard setback (2' 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. Ms. Grentzer moved and Ms. Bauer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is proposing a 7'3" x 12'6" deck on the NE corner of the house which will encroach into the north, side-yard setback requirement. The proposed setback of the new deck is 2' where 5' is required. The deck will not be any closer to the north property line than the side of the existing, nonconforming house. An existing screen door will be replaced with a window and then sliding glass doors will be installed for access onto the deck. 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.

Stacey Streeter and David Streeter, Owner/Applicant, 243 Hamilton, Marblehead, were both called upon and both sworn in. Mr. Streeter reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as they had submitted. Mr. Streeter said that the house has been in existence since the 1950's. The property originated thru my wife's great-grandfather and grandmother who developed the house we currently occupy. Over the years they developed summer cottages which have all pretty much been demolished and rebuilt. Her grandfather started off with a single parcel and subdivided it into little parcels for each of his children. The other families have rebuilt with bigger cottages. The grandparents had the foresight to make the lots big enough to allow that to happen, however, we occupy the grandparent's original house which is nonconforming due to today's zoning requirements. Mr. Streeter said most noticeably on the north side, the house encroaches onto the 5' side-yard setback and there is only a 2' setback there, which is grandfathered. Mr. Streeter said the house is basically a square, except for the cut-out portion where they plan to place this deck and basically fulfilling the square. He said he believes it will yield a reasonable return, but can't accomplish the deck without the variance because the deck would encroach into the 5' setback by 3' feet. Mr.

## Danbury Township Board of Zoning Appeals

March 17,

21

Streeter said one of the things they are trying to do is put in a sliding door which would widen the entrance onto the deck. He said a lot of their family members are getting older and it's tough for them to get up the little existing stone steps and into the narrow screen door. The sliding door would allow a greater point of access, especially if a wheelchair ever becomes necessary and the deck provides more stability to get in and out. If there is a family member who needs assistance to get in and out, we're then all on the same level as opposed to someone standing down trying to help someone up. The variance could be obviated by having a patio at grade with just steps up to the new door, but that wouldn't be safe. Mr. Streeter said that if they would build a deck that would be in compliance, they would be cutting off the north 3' of the deck which then the entrance to the door and the edge of the deck would be right on top of each other and he thinks that would increase the risk for a fall off the deck and if there was a railing there, it would then be difficult to move around the person they might be assisting in. He said that the deck wouldn't come out any further than the corner of the house. Mr. Streeter said this shouldn't affect the value or the use of surrounding properties. Also, this is on the side of the house where this is going and not along one of the road right-of-ways, but rather a designated common greenspace shared by the other properties. He said it will make it easier for them to congregate out there and have cookouts with other family members who own those other properties. Mr. Streeter said he thinks it's also important to note with the higher water levels in East Harbor in recent years, they've experienced some flooding and right where the door is, is a low spot on the property where the water collects so it creates a muddy condition and having the deck will hopefully help with that as well.

Mr. Fetzer asked if the Board Members had any questions for Mr. Streeter. 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 no neighbors present via Zoom but that she had received a voice mail message in support of the request from Mr. Don Cerny. 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.

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

Mr. Huffman motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:41p.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. Mr. Huffman moved and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 7:46p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-030:

**With regard to BZA-2021-030 being a request for an Area Variance from Section 3.5 & Section 5.1.7 to allow for a deck to encroach into the north, side-yard setback (2' proposed/ 5' required) for the property located at 243 Hamilton:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used for a single-family residence.
2. The request **is not** substantial because the open deck will be no closer to the north property line than the existing home.
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 deck will not be causing any negative impact to surrounding properties. Furthermore, the property to the north is a detached garage.
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 because they inherited it.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by setting the deck in 3' from the corner of the house or by installing a concrete patio at grade. The applicant has indicated they need a larger platform at the rear sliding glass doors to allow adequate space for handicap family members to enter the home from the deck.

## Danbury Township Board of Zoning Appeals

March 17,

21

7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no negative impact on adjoining properties.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (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; Mr. Huffman – 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 April 21, 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 #2021-031  
1944 Bayview Drive  
Veverka**

**Request for a Conditional Use in accordance with Section 3.4 & 4.11 for a Limited Home-Based Business to allow for a jet ski repair shop.**

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. Mr. Huffman indicated that he would be abstaining. Ms. Dale said the record will show that Ms. Zsigo will be seated for this hearing. Ms. Grentzer moved and Mr. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is requesting approval for a Conditional Use to allow a jet-ski repair shop, Limited Home-Based Business from the 28’ x 42’ detached garage on the property. The applicant has indicated in their narrative statement that this will be operated in a manner where customers will not be visiting the property; the jet-ski’s will be picked up from and delivered back to the customer’s location. Home Occupations are typically operated inside the main house, which for the most part will be the case with this operation for appointments, payments & marketing. The applicant is asking that they be allowed to store the jet-skis during servicing, on the property and near the existing garage. It is typically prohibited to utilize a detached accessory building for a home-based business, but the Zoning Code does have language that allows the Board to make an exception to this (See Section 4.11.2.G below). The applicant does not discuss whether they will still be able to utilize their garage for personal items. The ability to provide two (2) on-site parking spaces for his personal vehicles should not be an issue as there is ample space.

The owner indicates he has 25 years of experience maintaining, repairing and riding jet-skis. It is to staff’s understanding that the family is known to also enter races on jet-skis. At times there are also multiple ATV’s and snowmobiles on the property. Staff would suggest clarifying with the applicant during the hearing whether this operation will be limited to just jet-ski’s or other sport utility vehicles.

Staff recommends that should the request be approved, that a condition be placed that limits the number of jet-ski’s stored outside the garage and that no trailers or jet-ski’s be stored in the 20’ front-yard setback of the property.

**ZONING PROVISIONS:**

**Article 2, Section 2.2. Definitions:**

*Limited Home Based Business. A Limited Home Based Business is the more intensive form of a home occupation where the property owner works from the home, as a secondary use in connection with that dwelling, but where there may be clientele that visit the home. Examples include, but are not limited to, a piano or dance instructor, a teacher/ tutor, a CPA, an architect, seamstress, notary public, or cake decorator.*

**Article 4, Section 4.11 Limited Home-Based Business:**

*The purpose of home occupation regulations is to permit residents an opportunity to use their homes as a place of livelihood. While permitting such uses in homes, it is important to protect adjacent residential areas from any adverse impacts caused by activities associated with the*

## Danbury Township Board of Zoning Appeals

March 17,

21

home occupation. The limitations in this section are designed to assure compatibility between the home occupation and neighboring properties, while retaining the residential character of the building in which the home occupation is conducted. Two separate forms (levels) of home occupation businesses exist in accordance with the provisions below:

1. Home Occupation: A Home Occupation is the less intensive form of home-based business where the operation is conducted entirely by the resident(s) of the home and there is no advertising contained on the interior or exterior of the structure or property. The business does not generate traffic or other persons visiting the home.  
[Regulations A-F follow]
2. Limited Home-Based Business: A Limited Home-Based Business is the more intensive form of a home occupation where there may be involvement by residents of the home and one or more persons living outside the home. The may generate some additional traffic in the neighborhood. The specific requirements for a Limited Home Based Business are contained below.
  - A. Limited Home Based Business is a Conditional Use in any residential structure containing a legal residential use, regardless of zoning district.
  - B. Persons residing in the premises shall be engaged in the business activity.
  - C. Not more than one (1) person, other than resident(s) of the home in which the operation will be conducted shall be engaged in the operation. The Board of Zoning Appeals may at its sole discretion allow more than one person outside the home to be engaged in the business if it can be shown that the engagement of the additional individual(s) in the operation will not adversely affect the surrounding neighborhood and can be adequately accommodated in regard to on-site parking.
  - D. Any operation to be conducted on the premises should be restricted to those types of occupations where customers can be scheduled for appointments rather than just being open generally to the public as walk-in traffic.
    - i. Licensed Type A & B daycare is exempt from the visitor requirement.
  - E. The operation shall occupy a maximum of forty (40%) percent of the floor area of the residence, including storage.
  - F. Signage is permitted in accordance with Article 5 of this resolution.
  - G. The use of accessory buildings, including attached and detached garages is prohibited. The Board of Zoning Appeals, at its sole discretion, may allow the use of these types of structures upon request by the applicant in such cases where the applicant can demonstrate to the Board that such use is not detrimental to the inhabitants of the subject property or the surrounding neighborhood, and where the applicant can demonstrate as part of their application, that the use of such structures can be undertaken in compliance with all applicable Township, State or Federal codes.
    - The applicant is requesting that the Board of Zoning Appeals to allow the jet-ski's to be stored in and around the detached garage. The business operation and reservations for said Limited Home-Based Business would be from inside the home. The applicant's narrative statement indicates that customer's will not be visiting the property and that the jet-ski's will be picked up from and delivered to a customer's location.

The Boards criteria for deciding the request are the Conditional Use decision standards outlined in Article 7, Section 7.11. The Board of Zoning Appeals has no obligation to approve a Conditional Use. The zoning resolution assumes that the uses listed as Conditional Uses are not appropriate unless an applicant proves 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. Applicants shall prove that potential negative impacts will be adequately addressed. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the zoning resolution will be observed, including specified limitations.

Ms. Dale concluded by reviewing the Decision Standards the Board would be considering and recommended five (5) conditions.

Mr. Fetzer asked if any Board Members had any questions for the Ms. Dale.

Russell Veverka, Owner/Applicant, 1944 Bayview Drive, Marblehead, was called upon and sworn in. Mr. Veverka reviewed the paperwork via the "shared screen" option from Ms. Dale's computer and stated it was as he had submitted. Mr. Veverka said that his intensions are to offer quality and quick repair and maintenance on jet skis. It is a seasonal thing and something we don't really do but for 3-4 months out of the year because of the temperatures. Mr. Veverka said he's been racing professionally since 2003 and has over 30 years of repair and maintenance experience on jet skis. Mr.

## Danbury Township Board of Zoning Appeals

March 17,

21

Veverka said he does not have any intentions for repair ATV's, SUV's or snowmobiles. The one's they see on the property or in the aerial photograph are his, his girlfriends and nephew's personal items. The jet ski's is what this request is about, not the other machines.

Mr. Fetzer asked if the Board Members had any questions for Mr. Veverka. 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 no neighbors present via Zoom. 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.

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

Ms. Zsigo motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion and the roll call vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 8:03p.m. Ms. Dale reminded the applicant and other non-board members that they would now be placed in the Zoom waiting room and not to disconnect from the meeting.

All participants were removed from the waiting room and brought back into the meeting. Ms. Bauer moved and Ms. Grentzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Zsigo – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 8:21p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2021-031:

**With regard to Case # BZA-2021-031 being a request for a Conditional Use for a Limited Home Based Business (Jet Ski Repair) in accordance with Section 3.4 and Section 4.11 for the property located at 1944 Bayview:**

1. The Conditional Use **will** be harmonious with and in accordance with the **general** objectives of the Danbury Township land use plan because it is identified as Neighborhood 1 - High Density Residential area which includes Neighborhood Commercial as a listed potential use for this district. This neighborhood is also identified as a "Neighborhood Enhancement Area" which includes maintenance of properties, but also allows expansion of or improvements that reflect the traditional neighborhood characteristics and encourages neighborhood retail.
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 the applicant is proposing that all jet-ski's will be stored in or around the existing detached garage. The owner has used the property in a similar manner with his own PWC & SUV's for many years.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses because customers will not be encouraged to visit the property and jet-ski's will be picked-up from and delivered to a customer's location. The owner has stated that any customer visits to the property will be by appointment only.
4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole for the same reasons as # 2 & 3 above.
5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities are available and existing to the site.
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 based on how the applicant is proposing this business will be operated.

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-3" High Density Residential zoning district and after considering and weighing these factors, the Board finds that Decision Standard(s) (2) (3) (4) (6) weigh more heavily to show that:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the "R-3" High Density Residential Zoning District and the intent and purpose of the zoning resolution; and

## Danbury Township Board of Zoning Appeals

March 17, 21

- b. There **is** a preponderance of reliable, probative and substantial testimony and evidence that **supports** the applicants request for the Conditional Use;

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

- 1.) That, no jet-skis or trailers shall be stored in the 20' front-yard setback.
- 2.) That, no more than 20 cumulative, individual jet-skis units and trailers, including personal jet-skis, are outside of the garage on the property at any given time.
- 3.) That, all jet-skis and trailers stored on the property are kept in an orderly fashion and to the south side of the garage as much as possible.
- 4.) That, no junk, dismantled or inoperable jet-skis are stored outside of the garage on the property for more than one (1) month.
- 5.) That, any signage related to this use must be permitted and/or installed in accordance with Section 6.4, Signs of the Danbury Township Zoning Resolution.

Motion Seconded by Ms. Grentzer. The Chair ensured that the applicant understood the Conditions, specifically Condition #2. Mr. Veverka stated he did and that it would be fine.

Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Zsigo – 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 April 21, 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 February 17, 2021 Board of Zoning Appeals Meeting Minutes

Ms. Grentzer made a motion to approve the February 17, 2021 meeting minutes as presented. Mr. Shetler 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. Ms. Grentzer motioned for approval of the decision sheet as presented. Mr. Huffman seconded. All were in favor and the motion carried.

- a. **BZA-2021-014 1946 N. Buck Road.** 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). **Robert & Brenda Rose, Owners/ Applicants; Lee Short/ Agent.**
- b. **BZA-2021-015 5205 Wohlrs.** 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). **David & Matthew Dapper, Owners/ Applicants; Michael Prosser/ Agent.**
- c. **BZA-2021-016 5881 Oakmont.** 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). **Brian & Kathleen Rogers, Owners/ Applicants; Pete Johnson/ Agent.**
- d. **BZA-2021-017 6271 E. Harbor Road (Harbor Haven).** 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). **Harbor Haven, LLC, Adam & Willie Steinbrick, Owner/Applicant; BEC Associates, Agent.**

### Old Business

There was none.

### New Business

There was none.

# Danbury Township Board of Zoning Appeals

March 17, 21

## Other Business

There was none.

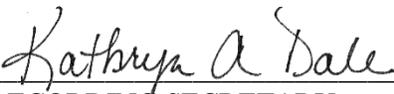
## Reports and Communications from Members and Staff

Ms. Dale shared that there are Zoning Code Updates and that she will have to provide them with a new zoning resolution with their next packet. Mr. Fetzer asked what the April agenda looks like. Ms. Dale said there will likely be two cases out of Lakeside and one other that she may receive. She shared that the deadline isn't until March 26<sup>th</sup>.

## Adjournment

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

The meeting was adjourned at 8:40p.m.

  
RECORDING SECRETARY

*Clyde Shetler* dotloop verified  
04/12/21 4:21 PM EDT  
5HRM-PVMX-0QK0-WW0Q

*Loretta Grentzer* dotloop verified  
04/22/21 11:21 AM EDT  
D4HF-ND8J-W2PK-94PE

*Joseph Fetzer* dotloop verified  
04/21/21 6:07 PM EDT  
09CE-SIHK-WM2Q-OQ0P

*Lisa Bauer* dotloop verified  
04/22/21 8:56 AM EDT  
BDCC-E0XR-H9M6-SX24

*Gregory Huffman* dotloop verified  
04/21/21 6:06 PM EDT  
M9WK-O76K-QMNY-BQAN

BOARD OF ZONING APPEALS