

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

April 14, 2021

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 5:30 p.m., on April 14, 2021, at the Danbury Township Building, 5972 E Port Clinton Road, Marblehead, Ohio, 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Also in attendance were Carolyn Adams, Fiscal officer; William "Bill" Ziegen, and Shane Baumgardner.

Following the pledge of allegiance and roll call, the public hearing was opened for hearing on ZC-2021-020, with presentation of the Zoning Administrator's staff report.

**Case #:** ZC-2021-020 **Acreage:** 4.98 acres total

**Applicant:** William "Bill" Ziegen **Address:** 8931 E. Harbor Road

**Request:** ZC-2021-020 8931 E. Harbor Road. Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0140782014622000 (Sec. 1, part of Lot 2) consisting of 4.98 acres. **William "Bill" Ziegen, Owner/Applicant.**

### DESCRIPTION:

The applicant is requesting to rezone a 4.98 acre tract of land from "A" Agricultural to "R-C" Recreational Commercial. Currently on the property, there are two (2) single-family homes, one of which is listed with the Ottawa County Sanitary Engineer's office as a duplex, two (2) manufactured homes, two (2) large storage buildings/ barns and two (2) garages as well as multiple accessory sheds. All of the aforementioned structures occupy approximately 2.3 acres of the 4.98 acre parcel. There are no permits on file with the Zoning Office or the Ottawa County Building Department on when all of these structures would have been constructed or brought onto the property. The Ottawa County Auditor's records indicate that most of the buildings were constructed in the 1980's. Zoning became effective in the Township in 1975, so permits should have been filed. As such, we cannot confirm that the current usage of the property or the structures are legal nonconforming. What this means is that if any of the structures or uses are damaged, destroyed, removed or cease to exist, since they may not have been legally established, they are not protected under the nonconformity chapter and may not be able to be reestablished. This is in part why the owner is requesting the rezoning because if any residential structure were lost, they would not be guaranteed the ability to replace it under the "A" Agricultural zoning district. The "R-C" zoning district would permit up to 34 multi-family/ condominium units for this property as part of the Conditional Use process and make the property more conforming.

The applicant has expressed that he has no intent of using the property commercially at this time. It was discussed with him that three zoning districts would permit a multi-family use as part of a Conditional Use review in the "R-3" High Density Residential, "R-C" Recreational Commercial and "C-2" General Commercial zoning districts. The owner expressed a desire of having the property "R-C" solely for the ability that if he decided to start some sort of commercial activity, he would have the ability to do so, or if he sold the property, it may make the property more desirable. His primary goal is to make it more conforming to protect his investment in case something catastrophic were to happen.

### SURROUNDING ZONING:

North:	"R-3" High Density Residential	Lighthouse Bluffs SF Homes & Vacant wooded land
East:	"A" Agricultural & "C-2" General Commercial	Danbury Local School District wooded land Former Holmes Automotive Garage
South:	"M-2" Heavy Manufacturing	LaFarge Quarry
West:	"R-3" High Density Residential	Camp Runinmuck boat storage area and wooded land.

### LAND USE PLAN:

The Danbury Township Land Use Plan was updated and adopted in 2017. At the time, the subject property was identified as a Neighborhood 2 – Medium Density Residential area for the fact that this stretch of area between the Senior Center & Danbury Schools is underdeveloped, only has public water (no public sewer), and is primarily single-family homes surrounded by woods. The Neighborhood 2 – Medium Density Residential does call for multi-family living situations to be an appropriate use for this area.

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While the land use plan does not specifically call for commercial in this area, in 2012 the corner of Strauss Lane & E. Harbor Road was rezoned to commercial and in 2014 the former Holmes Automotive property was rezoned to commercial as well. The area to the west of this property is identified as a Neighborhood Enhancement Area. The intent of the Land Use plan was not to set defined boundaries, so that area could be looked as more broad. The goal of the Neighborhood Enhancement Area was to improve existing neighborhoods which includes improving the maintenance of properties, but also allows expansion of or improvements that reflect the traditional neighborhood characteristics and encourages neighborhood retail.

AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on February 1, 2021 and held a hearing on February 16, 2021. Attached is OCRPC's decision letter recommending Denial. The Danbury Township Zoning Commission held a public hearing March 3, 2021 and recommended 3-1, Denial to the Board of Trustees.

The Danbury Township Zoning Resolution Decision Criteria for considering this request includes:

Section 7.7.3.E.ii Map Amendments

- a. There is an error on the Official Zoning Map or in the delineations between districts thereon.
b. The proposed amendment will make the map conform more closely with the Land Use Plan.
c. There has been a substantial change in area conditions that necessitates the amendment.
d. There is a legitimate need for additional land area in the zoning district that will be expanded.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:

Kathryn A Dale

Kathryn A. Dale, AICP
Danbury Township Zoning Inspector

Date Prepared: March 24, 2021

Following input from Mr Ziegan, with questions from the trustees, Mr. Dress introduced Resolution 08-2021

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 5:30 p.m., on April 14, 2021 at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr./ Ms: Dress introduced the following resolution and moved its adoption:

RESOLUTION NO. 08 - 2021

A RESOLUTION ADOPTING AN APPLICATION FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

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WHEREAS, William Ziegen, Owner of property located at 8931 E. Harbor Road, PIN# 0140782014622000 (Sec. 1, part of Lot 2 of Firelands Survey) filed Case No. ZC-2021-020 requesting a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for 4.98 total acres; and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on February 16, 2021, and recommended unanimous denial of the proposed map amendment; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on March 3, 2021 and by motion and vote recommended 3-1 denial of the proposed map amendment as presented; and

WHEREAS, on April 14, 2021 the Board of Trustees held a public hearing on said amendment, received public comment, and reviewed all pertinent documents; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to overturn the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that the Decision Criteria "b" and "c" of Section 7.7.3.E.ii of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
2) That the property be subject to the regulations of Article 3 ("R-C" Recreational Commercial) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking lot standards; and
3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
4) That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. Hirt seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak No Mr. Dress No Mr. Hirt No

ADOPTED this 14th day of April, 2021.

Attest: [Signature] Fiscal Officer

Board of Trustees Danbury Township Ottawa County, Ohio [Signatures] Dianne Rozak John Paul Dress David Hirt

AUTHENTICATION

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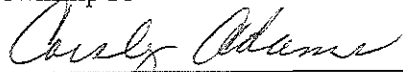
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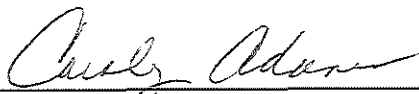
April 14, 21

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 14<sup>th</sup> day of April, 2021 and filed with the Danbury Township Fiscal Officer.

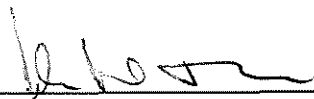
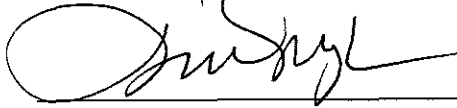
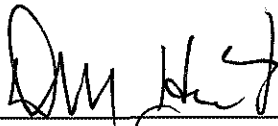


Carolyn Adams  
Danbury Township Fiscal Officer

A motion to adjourn was made by Mr Hirt, and seconded by Ms. Rozak. All voted yes.



Fiscal Officer



Danbury Township Board of Trustees