

Danbury Township Zoning Commission

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The Danbury Township Zoning Commission was called to order at 6:30p.m. at the Danbury Township Meeting Room by Chair, Mr. Michael Brown. The pledge of allegiance was recited. The roll call showed the following present: Mr. Michael Brown, Ms. Susan Dress, Ms. Jodi Kopanski, and Mr. Robert Strauss. Mr. John Basilone and Alternate, Mr. Vito Kaminskas were excused. Also present were Kathryn Dale, Zoning and Planning Administrator. Visitors present included William "Bill" Ziegan.

Approval of the January 6, 2021 Minutes

Mr. Strauss made a motion to approve the minutes for the January 6, 2021 meeting. Ms. Kopanski seconded the motion. All Ayes. The motion carried.

Public Hearing

The Chair reviewed the procedures for the meeting and announced the application before us this evening is a map amendment request. This Commission is a recommending body to the Board of Trustees. Staff will review what hearings have taken place regarding the applications, but essentially this is the 2nd hearing of a 3-hearing process. Following the hearing this evening, our recommendation will be forwarded onto the Township Board of Trustees at their next regular meeting. Upon receipt of our action, the Trustees will establish when they will schedule a public hearing on this application. All notifications for our hearings are published in the Port Clinton News Herald 10 days prior to the hearing. Notice was also sent to adjoining property owners. Final action to approve or deny is made by the Board of Trustees.

The Chair asked Mrs. Dale to introduce the case for this evening.

ZC-2021-020
8931 E. Harbor Road
Zeigan
Map Amendment

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" Ziegan, Owner/Applicant.

The Chair asked if there was any member who would have a conflict and wished to abstain. There were none. The Chair asked for a motion to open the public hearing. Ms. Dress made the motion, Ms. Kopanski seconded the motion. All were in favor and the motion carried. The Chair asked Ms. Dale the Zoning Administrator, to give the Commission an overview of this application.

Ms. Dale stated 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.

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Ms. Dale shared the surrounding zoning districts and uses of property. 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.

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.

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on February 1, 2021 and held a hearing on February 16, 2021. OCRPC's decision letter recommending Denial was provided to the Commission.

There were no questions from the Commission for Ms. Dale. The Chair call upon the applicant.

William "Bill" Ziegen, 8931 E. Harbor Road, Unit A, Marblehead, Ohio, Owner/ Applicant came forward. Mr. Ziegen said that his family and he use to own Rocky Point marina before the RV Park. Afterwards he heard about this property for sale that was once owned by a guy named Dick Brassel, whom he never got to meet. He apparently owned the old Cheesehaven. Mr. Brassel sold the property to David York. David York wasn't living here anymore and when he acquired the property, he really didn't know how bad it was, but he made the deal. Before he fully moved out of Rocky Point Marina, his daughter's miniature horse got loose from the property and he received a phone call from one of the Danbury Officers. When he got it back to where it was being kept on the property he shared that he was going to call the property "Green Acres" and the officers found that funny. He said the officers told him that they would spend a lot of time at the property under the Brassel ownership and wished him luck. Mr. Ziegen said about a month later he realized it was like the TV show "Shark Tank" and he got the bad people out. He said he then spent about \$80,000 just trying to fix up what was there, but then found out he didn't have any right to rebuild things on the property. He said the fire department had been out to look at something with him and the insurance company told him the same thing. He said the more he thought about it, he has the jogging trail from the school on one side of him with the band practicing and football games, so it can get a little noisy, but it's fine, then the quarry to the south with their blasting, to the north is Camp Runinmuck, but for the most part he's surrounded by woods and a quarry. He said at that point he figured what would it hurt to try for "R-C" or a commercial zoning district. He said if he brought in heated boat storage, he thought "why not" since he's sitting on limestone anyway. There is no septic system other than the old tank system that has to be pumped out, there is no public sanitary sewer. Mr. Ziegen said he's lived in this area for 17-18 years and sees it changing. He said the "R-C" would give him some options to put some nice buildings in without impacting anyone.

The Chair asked if any members of the Commission had any questions. Ms. Dress said she had a question for Ms. Dale. She said if the "R-C" would allow up to 34 condominium or apartment units, how many would the "R-3" allow? Ms. Dale said the same. Ms. Dale said that in both zoning districts it's a Conditional Use. Ms. Dress asked if the difference would be the setbacks and maximum lot coverage. Ms. Dale said only if being developed as commercial, because once you do residential in the "R-C" it reverts to the "R-3" or another residential zoning district depending on the water & sewer situation. Ms. Dress asked about the limited access in and out with it being such a long lot, especially if it were commercial and adding more ingress/egress points. She said she didn't think having any additional entrances would be great because where it's located on E. Harbor Road isn't a great location visibility wise. Mr. Ziegen said he has 126' of frontage but he has no intention of changing how the property is accessed. Ms. Dress said if he put in a second driveway it would bring extra traffic out onto E. Harbor Road. Mr. Ziegen said that really will all depend on what goes in or how the property is used. He said he could put a church in under his current zoning and that would bring in a whole lot more traffic than a storage building or other permitted commercial uses. Ms. Kopanski said the State/ODOT would have a say on what happens with ingress/egress based on the use. Ms. Dale concurred and said studies may be required even to determine if any slow-down lane would be required or things like right-in, right-out. Ms. Kopanski confirmed that Mr. Ziegen wouldn't be allowed to just add as many entry points as he wanted, it would ultimately be decided by ODOT. Ms. Dale said that was correct.

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Mr. Ziegen said he plans on being a life-time local, his daughter lives here as well and he just wants to be part of the community and wants what is best for the community. Mr. Brown asked if Ms. Dresses question was answered. She said the “R-C” zoning district just opens the door to so many possibilities for the property.

Ms. Kopanski asked Mr. Ziegen if he had any plans to remove anything from the property. She commented that it looks a little cluttered. Mr. Ziegen said it’s still a work-in-progress. Much of the equipment that is outside he uses to fix up the buildings, but at this time, no he does not. He said he has some ideas, but whatever he does it will be done nicely because his name is attached to it and he wants it to fit in with the community.

Mr. Strauss said to follow-up with Ms. Dress, the intersection used to have a flashing light and he knows the intersection has had some near misses, but he agrees with Ms. Dress in regards to it being a potential on-season traffic concern, but the State would be the one to approve ingress and egress. Mr. Strauss said to use the storage building example, you’re rolling along at 55MPH, all of a sudden someone with a trailer wants to turn left onto your property and it could turn into a real concern.

Mr. Brown asked if all the units on the property including the manufactured homes were occupied. Mr. Ziegen said yes and they had all been redone on the inside, some have gotten new roofs. Mr. Brown asked how many people live on the property. Mr. Ziegen went thru each unit and ultimately said 11 people. Mr. Brown asked if all the buildings that are currently on the property were there when he bought the property. Mr. Ziegen said yes. Mr. Brown asked when he bought the property. Mr. Ziegen said 4 or 5 years ago. Mr. Brown shared that the real estate sign out front made him think the house had been used as a real estate office. Mr. Ziegen said no, that’s just a billboard on the property. He said when the coffee shop sign was up, people would stop in looking for coffee. Mr. Brown asked if Mr. Ziegen read the land use plan. Mr. Ziegen said vaguely, but then said yes he had.

Mr. Ziegen gave a closing statement on why they should approve his request.

The Chair asked if there were any further questions from the Commission. There were none. The Chair asked if there was anyone else who wished to speak. There were none.

The Chair asked for a motion to close the public hearing. Mr. Strauss made the motion, Ms. Kopanski seconded the motion. All were in favor and the motion carried.

The Chair reviewed the decision criteria and the Commission deliberated. Mr. Strauss questioned whether this really meets the Land Use Plan. Mr. Brown asked what Mr. Ziegen’s other options are if this does not pass and if “R-3” would be a better district. Ms. Dale said he could come back and as for “R-3” to be able to retain what he has on the property. He could also come back and ask for “C-2”, but her guess that may be moot if this request doesn’t pass. There was no clear consensus that any of the Decision Criteria were met.

Ms. Kopanski made a motion to approve case ZC-2021-020, as presented herein and found that Decision Criteria “b” of Section 7.7.3.E.ii. of the Danbury Zoning Resolution was satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening. Mr. Strauss seconded the motion. The roll call vote was as follows: Ms. Kopanski - YES; Ms. Dress - NO; Mr. Strauss - NO; Mr. Brown - NO. The motion failed 3-1. The Chair stated the Application has been recommended for **DENIAL**. Ms. Dale will be in touch with the applicant of the date set for the final decision hearing before the Board of Trustees.

Old Business

There was none.

New Business

Map Amendments from “R-C” to “R-3”.

Scope of Work & Process. Work Session for April 7, 2021.

Ms. Dale distributed examples of neighborhoods and platted subdivisions that the Commission will be taking a closer look at during their April 7, 2021 meeting, which will be conducted as a worksession. At the direction of the Trustees, the Commission has been asked to begin reviewing neighborhoods of single-family homes that are zoned “R-C” Recreational Commercial. Ms. Dale explained that if these properties have public sewer and water, the setback requirements revert to the “R-3” High Density Residential requirements. The concern is that some larger lots and the structures on them could be converted to a commercial use allowed in the “R-C” Recreational Commercial zoning district with no notice to neighbors. The other concern is that multiple small lots could be consolidated, making a larger parcel for a commercial activity or structure. Ms. Dale said that not all these neighborhoods have active associations or private restrictions in place preventing the commercial activity. Amenity items such as pools, clubhouses or shelter houses would not be

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affected. In most cases, there should be very little nonconformity worries since the lots and structures are following the “R-3” zoning requirements anyway.

Discussion was had that the “R-C” zoning district became a ‘catch-all’ zoning district and got away from its probable, intended focus of ‘recreational’ type activities over the years. Ms. Dale said that much of the land was also vacant at one point, especially on the Bay side, but since it allowed housing, whole neighborhoods came in instead of recreational type activities. Discussion then led into the areas along E. Harbor Road and Northshore Blvd. which will have to be reviewed much closer. Ms. Kopanski agreed and said that many of those neighborhoods were created to support the marinas at the end of them. Ms. Dale said they would also have to watch closer in those areas for nonconformities and not erroneously include a commercially used property. Ms. Kopanski asked if when it’s time to review those areas if ownership of property can be looked at. Ms. Dale said it could and that some neighborhoods may not warrant a rezoning because they don’t want to make it too piecemeal either.

Ms. Dale shared that since more than 10 parcels will be rezoned to “R-3”, the Township is not legally required to notify every property owner personally. She said she hopes to handle to notification though similar to the Land Use Plan in 2017 and have open houses, or if need be Zoom presentations. She said they have some time to figure out how exactly that will work, but for the time-being she’d like to work on the easy neighborhoods such as Cove on the Bay, Marblehead Estates, Emerald Shores, Rock Port and neighborhoods like that in April, see how far they get, then narrow in on the E. Harbor Road and Northshore area during the following months. Ms. Dale said there is no expected timeline for completion of this study and to formulate a recommendation, but she would suggest the goal be while people are here in the Summer and early Fall months. She said that way if the comments from the public forums brings something to light that the Commission missed, there would be time to correct it before taking it to public hearing.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Public Comments Regarding Zoning Items Not on the Agenda.

There was none.

Adjournment

The Chair asked for a motion to adjourn. Ms. Kopanski moved to adjourn the meeting and Mr. Strauss seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 7:33 p.m.

RECORDING SECRETARY

ZONING COMMISSION