

Danbury Township Zoning Commission

May 5, 21

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, Mr. Robert Strauss, Mr. John Basilone and Alternate, Mr. Vito Kaminskas. Also present was Barbara Singer, new Alternate Member. Kathryn Dale, Zoning and Planning Administrator was also present.

Swearing-in of New Member

Ms. Dale swore-in Ms. Barbara Singer as an Alternate Member who was appointed by the Board of Trustees 04/14/21 for a term to expire 12/31/2023.

Approval of the March 3, 2021 Minutes

Mr. Strauss made a motion to approve the minutes for the March 3, 2021 meeting. Ms. Kopanski seconded the motion. All Ayes. The motion carried.

Public Hearing

There was none.

Old Business

There was none.

New Business

Map Amendment Study from “R-C” to “R-3”.

Ms. Dale provided a recap on why this study was being done. She shared that last year there was a map amendment request to rezone a property from “R-3” to “R-C” and it was ultimately denied. The Trustees following that decision asked if another zoning district should be formed to essentially separate the uses of the “R-C” zoning district. Ms. Dale said that she suggested to them that she didn’t think that it was necessary to create a whole new zoning district, but rather look closer at our zoning map to make sure property is properly zoned, specifically residential properties. Ms. Dale ensured everyone had their handout previously distributed to them showing examples of neighborhoods and platted subdivisions that are zoned “R-C” Recreational Commercial but are primarily residential uses or single-family homes. Ms. Dale said that she would like to start with the first page and try to get through the easier stuff tonight and see if there is any disagreement or further discussion on what she feels is straightforward.

Ms. Dale said as we get into the tougher areas, or more dense areas, we are really going to have to look at those areas closely. She said the goal is to protect the residential areas and not create a problem for existing commercial uses. Ms. Dale provided an example in the Harbor Bay Estates neighborhood where there are large homes containing 3-4 bedrooms, sometimes more and with spaces that could easily be made into bedrooms, and because they are zoned “R-C” Recreational Commercial they would be permitted to be converted into a hotel/motel and there would be nothing for her to prevent it from happening. She said she knows people are not investing half-million dollars to a million dollars into these homes just to end up having a transient hotel/motel next door. She also shared examples of lots along the bay on Bayshore Road that may be long, and how they could meet the commercial setbacks and end up being used for both residential and commercial storage and it would change the whole dynamics to the homes surrounding. She also provided an example of 5-6 smaller cottages or vacant lots being consolidated into a more useful property and then being used for any of the Commercial uses listed in the “R-C” zoning district.

Ms. Dale asked the Board to look at their zoning codes and the list of uses permitted in the “R-C” Recreational Commercial zoning district, then to imagine some of those uses in the middle of an existing residential neighborhood. She shared that there are over 100 subdivisions in the Township and not all have good, or active HOA documents and associations, many associations have even dissolved over time. She said many of them do not address commercial activity and they rely strictly on zoning to ensure that their neighborhood is protected. However, many of these neighborhoods with the commercial zoning designation may not be protected and there would be nothing anyone could do about it. She said many of these properties have been developed under the “R-C” zoning because the district allows residential and there is a provision that states if the ‘residential’ properties have public sewer and water, then they are subject to the “R-3” lot sizes and setbacks. She said this is why the recommendation would be to rezone these to the “R-3” zoning district and not something else like “A”, “R-1” or “R-2” since those other zoning districts required larger lots and setbacks and resulting in the risk of creating a lot of nonconforming situations.

Ms. Dale asked that they start on the 1st page of their handout which included the Harbor Bay Estates, Cove-on-the-Bay and Danbury Cove neighborhoods. Mr. Brown asked for a motion. Mr.

Danbury Township Zoning Commission

May 5, 21

Basilone asked about the large vacant piece of land with Cove-on-the Bay subdivision. Ms. Dale said that had an old preliminary plan on file to be used for more residential lots but never came to fruition. Mr. Basilone asked if it is really the intention of the developer to plat that out. Ms. Dale said she can only assume because there have never been any inquiries to do anything else with it. He said they could change course though and use it for Commercial Storage. Ms. Dale said that would be correct, but it would be quite off the beat and path to access, and it would have to be accessed by entering the neighborhood. Mr. Basilone expressed concern of rezoning property without knowing if the owner has or had intentions of using it commercially. Ms. Dale said she understood his concern but that they also, with this study, need to determine if Commercial is the correct use of land based on the surrounding characteristics. Mr. Brown expressed that that is what the public hearing process and outreach would be all about and any recommendation could always be withdrawn. Ms. Dale said that is correct and discussed how the Township plans to inform people of the study and recommendations.

Ms. Dale suggested that they make individual motions for each neighborhood incase there is more discussion or opposition to the motion for what the recommendation will be.

Ms. Basilone made a motion and Ms. Dress 2nd the motion to recommend changing the Harbor Bay Estates subdivision from "R-C" to "R-3". Voice vote, all Ayes, no Nays. Recommendation passed.

Ms. Dale said the next neighborhood is Danbury Cove, which includes the streets Bristol & Dorchester and some single-family home properties south of that along Meter Road. Ms. Dale displayed the aerial photography of this area also on a computer and screen set-up for the Commission to refer to. Mr. Strauss made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Dress 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

Ms. Dale pulled up the Cove-on-the-Bay Subdivision which is primarily on the street Amherst and another residential property to the south of it, accessible from and at the dead-end of S. Danbury N. Road. Ms. Kopanski made a motion to recommend changing the subject area from "R-C" to "R-3" and Mr. Basilone 2nd the motion. No further discussion on the motion because the Commission felt the concern had been previously addressed. Voice vote, all Ayes, no Nays. Recommendation passed.

Ms. Dale asked that they move on to the second map on the first page handout which included Galley's Landing, Bayview Shores, and the north part of Zeller's Beach Subdivisions. Ms. Dale shared that some of the Galley's Landing lots are long enough where the homes are on the south end along the waterfront, but they could use the road frontage along Bayshore Road for Commercial activities. She shared that it is all single-family homes along the north side of Bayshore Road as well. Discussion was had if the Lodge at the corner curve & Church Road would remain "R-C" Recreational Commercial, Ms. Dale confirmed that that was the recommendation since it is an established commercial use. Ms. Dress made a motion to recommend changing the most of Galley's Subdivision, except for the lodge from "R-C" to "R-3" and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

Ms. Dale said the next neighborhood is Bayview Shores which is technically a condominium development made up of SF homes. The streets include Long Point Circle and Sunview Drive. Mr. Brown made a motion to recommend changing the subject area from "R-C" to "R-3" and Mr. Strauss 2nd the motion. No further discussion on the motion. Mr. Kaminskas abstained since he lives in this neighborhood. Voice vote, all Ayes, no Nays. Recommendation passed.

The last neighborhood on this particular map is the north side of Zeller's Beach. She said this is a high density, small lot neighborhood. The streets are Willard, Central & Ellsworth. She shared this is an example where multiple lots could be consolidated to make it into a more usable piece of property. As the lots sit now, it is not likely they would be used commercially, but again, there are all SF homes in this part. There is no intention to rezone the south side of Zeller's Beach were there are campers or mobile homes. Ms. Dress made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

Mr. Kaminskas said that it is not germane to the discussion at hand but said the one property on Bayshore that is zoned "M-1" sticks out like a sore thumb. Ms. Dale said there is a history on that property, but she does not recall what it is right now. She said she could look into it again and get back with him on that.

The Commission moved on to the second page of the handout. The areas in the first map include a couple of lots in West Harbor Landings MHP and Saylor & Koontz Subdivision. Mr. Basilone asked how or why the West Harbor Landings lots are currently zoned "R-C" when the rest of the development with the exception of the marina is zoned "R-3"? Ms. Dale said she is unsure why

Danbury Township Zoning Commission

May 5, 21

these parcels are zoned as they are with are all accessed off Constitution Blvd. and all double-wide, manufactured home. They are actually across the channel even from the Marina. Mr. Basilone said he thought the one lot is even common ground for West Harbor Landings. Ms. Dale looked up the ownership and concurred that to be true. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Mr. Strauss 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The second area on the map is Saylor & Koontz Subdivision which is parts of Robert, and Nan Avenue. Ms. Kopanski said this is a prime example where the neighborhoods were zoned the same as the marina nearby because when the subdivision was created it was done by the marina owners or there was underlying language tied to the marinas. She said the marina and restaurant obviously need to remain commercial, but the thought was, back in the day, to zone the neighborhoods that support those uses the same. Ms. Singer concurred and said that many of the lots before they were developed with SF homes were used for boat storage. Mr. Strauss asked how many empty lots there are back there. Ms. Dale said the best she can tell from aerial photography is 3-4 lots. Ms. Kopanski made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Dress 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The second map on the second page of the handout involved 5 subdivisions and one area that is not part of a subdivision. The subdivisions included part of Willow Cove, Lattimore Acres, Emerald Shores, Avalon-on-the-Bay and Cottages of Marblehead. The first area the Commission discussed was Willow Cove. The streets include Harborview, Willow Cove & Napama. She would recommend that they not include the south part of Willow Cove at the end of Harborview because there is a mix of campers and manufactured homes. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The next neighborhood was Lattimore Acres and Lattimore Drive. Ms. Dale said that these lots are a little larger, but she would still recommend the "R-3" designation for these lots since it was developed with the "R-3" setback requirements. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Mr. Strauss 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The third neighborhood was Emerald Shores. There are still multiple lots that are not developed in this neighborhood, but it is all intended for SF homes. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Dress 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The fourth neighborhood was the south end of Avalon-on-the-Bay which includes Seneca Trail, Tecumseh & Wyandotte. The north part of the subdivision is already zoned "R-3". Ms. Singer said that a bed & breakfast is at the very southern end of the subdivision. Ms. Dale said that is correct, that it is actually a nonconforming rental and call themselves a B&B even though it is not operated as a B&B. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Mr. Strauss 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The last platted neighborhood was Cottages of Marblehead. Ms. Dale said this was developed as a condominium development which is a Conditional Use in both the "R-C" and "R-3" zoning districts, so it's previous review and approval would be unaffected because the standards are same for both zoning districts. Mr. Basilone made a motion to recommend changing the subject area from "R-C" to "R-3" and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

Ms. Dale shared that there is a 6th area on this map that is on the north side of Bayshore Road. She shared that part of the reason this is currently zoned "R-C" is because there used to be an old campground on this side of the road that has been cleared and not operating for many years. This was also the area that came to public hearing last year and all the neighbors came out and said, "this is a residential area, we don't want to see commercial". We kept trying to explain to them that some of their properties were currently zoned commercial and they could do any of the commercial activities listed in the "R-C" zoning district because these are 1.75 - 8.9 acre parcels. Ms. Dale said this is one of those areas that are residential in character, but we have to determine if commercial would be an appropriate use for the properties. Mr. Basilone said that part of the property owner's concerns expressed in the rezoning hearing was the use that was being proposed. Ms. Kopanski stated she agreed, but they also said they were against commercial in their neighborhood as well. Mr. Browns said just looking at the land use map and zoning map, it seems like the properties along the waterfront are traditionally left open to be recreational commercial and interior properties more residential, with the exception of those along the State Routes. Mr. Kaminkas said he does not think there would be

Danbury Township Zoning Commission

May 5, 21

any resistance of rezoning this area to “R-3” based on what the residents shared during that rezoning hearing. Mr. Brown made a motion to recommend changing the subject area from “R-C” to “R-3” and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

Mr. Brown asked that they turn to page 3 of the handout. He said he doesn’t want to go out of sequence, but the Rockport neighborhood and second map on this page is a true no-brainer that those lots should be residential and not commercial. He said there are 2 lots left in this subdivision to be built on and he doesn’t see any commercial coming to that neighborhood. Ms. Singer said she lives in that neighborhood and they have an active HOA that would not allow commercial activities. She also said when looking at the lot sizes and zoning district requirements, the neighborhood would probably actually like to be zoned “R-2”. Ms. Dale said the problem with that is they were developed under the “R-3” standards, even though the subdivision has some, more restrictive requirements, and they don’t want to make the homes nonconforming by rezoning to a higher zoning district. Mr. Brown made a motion to recommend changing the subject area from “R-C” to “R-3” and Ms. Kopanski 2nd the motion. No further discussion on the motion. Voice vote, all Ayes, no Nays. Recommendation passed.

The next area for discussion was Gravel Bar gated community. Ms. Dale said that many of the lots are SF homes, at the west end of Lake Blvd. there are condominiums approved, which are detached units and there are some to the west once entering the gate as well. There was discussion about whether the Clubhouse should remain “R-C” because it’s technically a yacht club. There was also discussion on whether the boat docks and marina area should remain “R-C” since there have been times that Charters have operated out of there and some the people rent their docks. The Commission ultimately decided to visit the neighborhood before rendering any sort of recommendation and to continue this discussion at the next meeting.

Other Business

There was none.

Reports and Communications from Members and Staff

Ms. Dale thanked the Commission Members for all of their cards and concern regarding the passing of her father in April. She shared with the Commission that he came home to hospice care after being life-flighted to Toledo the evening of their April meeting, which was cancelled as a result.

Public Comments Regarding Zoning Items Not on the Agenda.

There was none.

Adjournment

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

The meeting was adjourned at 8:45 p.m.

RECORDING SECRETARY

ZONING COMMISSION