

**RECORD OF PROCEEDINGS
Danbury Township Zoning Commission**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

August 4, 20**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, Alternates, Mr. Vito Kaminskas and Ms. Barbara Singer was late. Mr. John Basilone was excused, Kathryn Dale, Zoning and Planning Administrator was also present. Visitor's present included Mr. Bill Ziegan.

Approval of the July 7, 2021 Minutes

Mr. Brown asked if all the Commission Members had had an opportunity to review the minutes from last month. All indicated they had. Mr. Brown asked if there were any corrections or modifications. Mr. Strauss made a motion to approve the minutes for the July 7, 2021 meeting. Ms. Kopanski seconded the motion. All Ayes. The motion carried.

Public Hearing

ZC-2021-134

8931 E. Harbor Road

Ziegan

Map Amendment

ZC-2021-134 8931 E. Harbor Road. Request for a Map Amendment from "A" Agricultural to "R-3" High Density Residential 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. Mr. Kaminskas 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-3" High Density Residential. The owner applied for a rezoning earlier this year to "R-C" Recreational Commercial and was ultimately denied by the Township. 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 damage, 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 his primary goal is to make the property more conforming to protect his investment in case something catastrophic were to happen.

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.

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on June 29, 2021 and held a hearing on July 20, 2021. Attached is OCRPC's decision letter recommending Approval of the request.

The Chair asked if there was anyone present to speak. William "Bill" Ziegan, 8931 E. Harbor Road, Unit A, Marblehead, Ohio, Owner/ Applicant indicated he did not have anything more to add.

The Chair asked if there were any questions from the Commission for Ms. Dale or Mr. Ziegan. Mr. Kaminskas clarified that to change the zoning from "A" Agricultural to "R-3" is just to help bring this property into compliance? Is that the purpose of this? Mr. Ziegan asked if the question was for him. Mr. Kaminskas said he's curious why they are being asked to change this. Mr. Ziegan

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said that if anything were to happen to any of his structures, he would not be allowed to fix them even with the insurance because evidently whomever owned it before him, there's no permits on anything. Mr. Ziegan said the one house dates back to 1912. He said he just wants to be able to replace what he has incase anything were to ever happen. Mr. Kaminskas asked if the house were damaged if it would be allowed to be replaced. Ms. Dale said no, not under the "A" Agricultural zoning because the "A" zoning district does not permit or conditionally permit multi-family usage of the property. She said if one unit were lost, zoning, courts, insurance, etc. are going to say, 'well you have X number of other units' and now one of those other units becomes the principal, primary structure. Mr. Kaminskas asked how long Mr. Ziegan has owned the property. Mr. Ziegan said he's not sure, but he thinks 3-4 years now.

Ms. Dress asked if one of the other units were destroyed, not necessarily the main house, and Mr. Ziegan applied to replace it, and the rezoning gets approved, he'd still have to follow the rules of the "R-3" zoning district. Ms. Dale said that was correct, and multi-family is considered to be a Conditional Use in the R-3" zoning district, so he really has an additional step once if the rezoning is approved. She caveated that there is no timeline for him to do this after the rezoning, but his additional step would be to apply for a Conditional Use for multi-family before the BZA to legitimately make everything that is there legal. That's the only way he'd be able to replace a building if it were lost, but he can't apply for that until the proper zoning district is in place.

Mr. Strauss said it seems to him that this was asked of him and recommended to him earlier this year that rezoning it to "R-3" made more sense than trying to rezone it to commercial.

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.

Ms. Kopanski made a motion to approve case ZC-2021-134, 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 - YES; Mr. Strauss - YES; Mr. Kaminskas - YES; Mr. Brown - YES. The motion passed 5-0. The Chair stated the Application has been recommended for **APPROVAL**. 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 Amendment Study from "R-C" to "R-3".

Ms. Dale distributed the responses received from the surveys at the July 24, 2021 Open House. She shared it was well attended by close to 40 people. She said as a result of some discussion that took place, there are two (2) areas that need to be discussed about possible modification. She shared these are areas that the Commission had deeply discussed prior to making a recommendation. The first area was the vacant land owned by the developer of Cove-on-the-Bay Subdivision. The second area was on Nan Avenue next to Anchor's Away Marine building.

Ms. Dale shared that the developer of Cove-on-the-Bay would like to keep the remaining property undeveloped zoned as "R-C" Recreational Commercial, as it is, because he would like to keep his options open in the event that the market demands something other than housing. He said there are a lot of drainage issues on the property and while he'd like to plat out the remaining residential lots, he's just not sure if he's going to be able too due to this. The developer shared they are just now starting to see the rest of the lots in this subdivision begin to sell. He would like to keep the old house at the end of S. Danbury N. remain commercial also because it could be ideal as a B&B or some other commercial use due to the access to the water and view of the Bay.

As far as the property on Nan Avenue, specifically 2059 Nan, Ms. Dale shared that the property they questioned whether it was serving as a buffer to Anchor's Away, was originally done like that for that very reason. However, the person who now owns that property along with the house and barn purchased it in 2011 with the knowledge & intent of using the property commercially. The owner came to the open house and said he is currently using the barn for a small boat repair/ service shop. He doesn't advertise and it's by word of mouth only.

Mr. Brown said that he & Mr. Kaminskas attended the open house and got to talk to people as they walked in. He said his impression was that people walked in with a little bit of a chip on their shoulder wondering what we were doing and walked out feeling very comfortable about what was being recommended. Mr. Kaminskas said he thought the Open House accomplished exactly what we

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were looking for also, taking questions and comments from people and potentially make changes if necessary. Mr. Brown said one thing he was a little surprised about was that some people thought this was a hearing, and he made sure they pointed out that it was a study that would lead to a hearing later. Mr. Kaminskas said over all he thought it was a very positive experience and supported by those in attendance. Mr. Brown said he cannot be at the next house but encourages those who weren't able to make it in July to come to the one in August.

Mr. Brown asked if there should be a motion for the modifications. Ms. Dale suggested that they do that at their meeting in September, to allow them to get thru the next open house and make sure there aren't additional modification to make. She said they will have to make a motion, but she prefers they wait to make them all at once. Mr. Brown understood.

Ms. Dale said moving forward, they will meet in September, modify the recommendations, and formally initiate the changes. She is hopeful this will then go before the Regional Planning Commission on the 3rd Tuesday in September, formal hearing before this Commission in October and onto the Trustees in November. Assuming it all passes, it would then be fully effective in December and by the end of the year.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Public Comments Regarding Zoning Items Not on the Agenda.

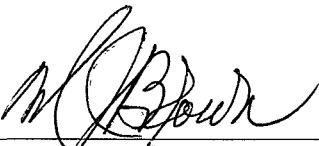
There was none.

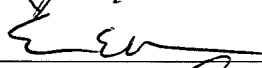
Adjournment

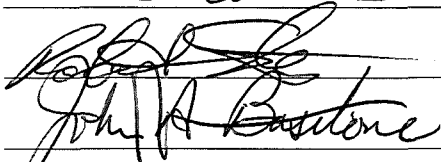
The Chair asked for a motion to adjourn. Mr. Strauss moved to adjourn the meeting and Ms. Kopanski seconded the motion. All Ayes. The motion carried.

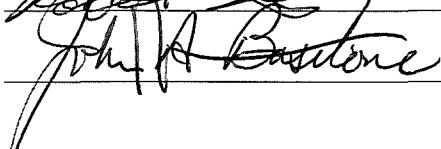
The meeting was adjourned at 7:16 p.m.

RECORDING SECRETARY









ZONING COMMISSION

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