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DANBURY TOWNSHIP ZONING DEPARTMENT

2021 ANNUAL REPORT (January 1 – December 31)

Board of Zoning Appeals

Loretta Grentzer
Lisa Bauer
Sherry Roberts
Joseph Fetzer
Clyde Shetler
Greg Huffman
Patty Zsigo

Township Trustees

Dianne Rozak
John Paul Dress
David Hirt

Zoning Commission

Jodi Kopanski
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John Basilone
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About the Zoning Department

The purpose of zoning according to the Danbury Township Zoning Resolution is to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements. The Zoning Department provides short and long-range planning services for the Township as well as zoning, permitting and enforcement. The Zoning Department also works in conjunction with businesses seeking to locate or expand in the Township. We work closely with both commercial and residential developers, with business owners and property owners to design projects that will add to the Township's economic, environmental, and social well-being.

Goals & Accomplishments from 2021

Goal: Study the impacts of “R-C” Recreational Commercial zoning district on residential properties.

In March 2021, at the direction of the Board of Trustees, the Danbury Township Zoning Commission was asked to begin reviewing neighborhoods of single-family homes that are zoned “R-C” Recreational Commercial (purple/lavender color) and whether they should be more appropriately rezoned to “R-3” High Density Residential (brown color).

The “R-C” Recreational Commercial zoning district became a ‘catch-all’ zoning district and got away from its probable, intended focus of ‘recreational’ type activities over the years. Much of the land was vacant at one point, especially on the Sandusky Bay side of the Township, but since it allowed housing, whole neighborhoods were developed instead of recreational-type activities. The goal of the study was to protect these residential areas, old & new, and not create a problem for existing commercial uses.

Since these residential properties have public sewer and water, the basic requirements related to building size, setbacks, lot coverage, etc. already reverted to the “R-3” High Density Residential requirements. The concern was that some larger residential 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. Not all these neighborhoods have active associations or private restrictions in place preventing the commercial activity, and even if they do, it depends on how well the restrictions are written. Amenity items in these neighborhoods, such as, communal pools, clubhouses, private neighborhood marinas, or shelter houses would not be affected. Density and other zoning requirements related to previously approved Conditional Uses also would not be affected since they follow the same requirements. In most cases, there were very little nonconformity worries since nearly all the lots and structures are following the “R-3” zoning requirements anyway.

In the interest of openness, it was the Township’s intention to inform as many property owners as we possibly could regarding these recommendations. Since more than 10 parcels are proposed to be rezoned to “R-3” (over 700), the Township was not legally required by the State of Ohio to notify every property owner personally. The Township held two (2) Open Houses & conducted public outreach in July & August before any official public hearing process took place to adopt the proposed changes. Announcements were made in the Beacon and social media and via active, known HOA’s Presidents/Boards. Nearly 40 people were present for the 1st Open House and another 20 people for the 2nd Open House. The majority of those in attendance were very favorable of the recommendations. There were 3 modifications made to the maps as a result of the feedback from the community Open Houses.

There were 12 areas under consideration to change the zoning classification from “R-C” Recreational Commercial to “R-3” High Density Residential. These included:

Area 1: Cove-on-the Bay (Whitlock Way & Amherst), Marblehead Estates (Harbor Bay Drive & Waterside Drive).

Area 2: Danbury Cove (Bristol & Dorchester) and 2259, 2279, 2289, 2299, 2309, & 2365 Meter Road.

Area 3: Part of Galley’s Landing (S. Side of E. Bayshore Road, east of Church), Bayview Shores (Long Point Circle & Sunview Drive) and 6796, 6814, 6820, 6826, 6860, 7070, & 7072 E. Bayshore Road.

Area 4: North Part of Zeller’s Beach (Willard, Central, & Ellsworth).

Area 5: Willow Cove (Harborview Dr., Willow Cove Dr., & Napama), Lattimore Acres (Lattimore Drive), Emerald Shores (Emerald Shores Drive), South Side of Avalon-on-the-Bay (Arlington Drive, Avalon Park, Bayview Drive), Cottages at Marblehead and 9518, 9822, 9635, 9637, 9679, & 9695 E. Bayshore Road.

Area 6: Part of Saylor & Koontz (Saylor Street, Nan Avenue & Robert Avenue).

Area 7: Part of West Harbor Landings (5465, 5474, 5547, 5555 & 5563 Constitution Blvd. and 5540 Windjammer).

Area 8: Harbor's End Condominiums, Harbor Cove Condominiums & Part of Regatta (Regatta Passage).

Area 9: Part of Channel Grove 1st Addition (west side of Channel Grove).

Area 10: Part of Rockport (waterfront lots).

Area 11: Part of Commodore (2220, 2230, 2240 & 2250 Commodore Court).

Area 12: Part of Perryview Estates VII (Wilderness, Evergreen Drive & 185 Forest Green).

Ottawa County Regional Planning Commission (OCRPC) held a hearing on September 21, 2021, and recommended **Approval**. The Danbury Township Zoning Commission held a public hearing October 6, 2021, and recommended 5-0, **Approval** to the Board of Trustees. The Board of Trustees held a public hearing November 10, 2021 and approved the map amendments as presented with Trustee Resolution 27-2021 which became officially effective December 10, 2021.

Goal: Review Accessory Building heights and size ratio to lot size.

There has been a higher-than-normal number of cases in 2020 and 2021 requesting increases in personal storage barn sizes allowed. The Zoning Commission has discussed looking into a ratio calculation of allowing larger barns on larger properties. Unfortunately, the rezoning study aforementioned took longer than anticipated and this goal was not met in 2021, but it is the top item to be discussed and studied by the Zoning Commission in 2022.

Goal: Conduct Board & Commission Member Training

This has been a goal difficult to fulfill do to Covid-19, however, arrangements will be made in 2022 to make sure this takes place, even if it must be done via Zoom.

2022 Goals

- Continue implementation of Land Use Plan through necessary text amendments to zoning resolution as a result of goals established in the Land Use Plan.
- Review Accessory Building heights and size ratios to lot size.
- Conduct training for BZA & ZC Members.

Litigation

Ottawa County Court of Common Pleas 2019 CVF 491

6th District Court of Appeals 2020 OTE 008A

Gregory Johnson vs. Danbury Township Board of Zoning Appeals (and other County Agencies)

An appeal was filed 12/21/2019 with the Ottawa County Court of Common Pleas by Mr. Johnson in regards to a complaint he had registered regarding his neighbors fowl allegedly damaging his property. He appealed the Township Staff (and County Staff) response to his complaint concerns directly to the court as opposed to going thru the Board of Zoning Appeals or any other quasi-judicial adjudication proceeding. On 04/03/2020, Judge Winters denied and dismissed Mr. Johnson's case, essentially citing that the proper appeal process was not followed, and the Court had no jurisdiction since no quasi-judicial proceeding had occurred. Mr. Johnson filed an appeal of the lower court's decision on 05/01/2020. Due to the Covid-19 pandemic there was a delay in the process of these cases. Ultimately on 03/12/21 the Court of Appeals affirmed the lower court's decision. Mr. Johnson then attempted to appeal the Court of Appeals decision in April 2021 to the Ohio Supreme Court, who in turn in July declined consideration of the case.

242 Worthy – Illegal Rental

This property was being illegally rented for short-term stay. The owners received a Warning Letter 05/13/2021 but continued to rent the property after stating they had stopped. A complaint was filed with Municipal Court in July 2021. The case is still ongoing.

248 Erie Beach – Junk Vehicles

This was a repeat offense from 2020. A new complaint was filed with Municipal Court in July 2021. At the August arraignment hearing the owner plead Not Guilty which resulted in a bench trial in September. At the bench trial the magistrate found the owner guilty on one charge and fined him accordingly.

Abatements

7426 E. Bayshore Road – Tall Grass

This was a repeat violation from July & September 2020. The owner passed away and the property was being foreclosed on but not being maintained by the property preservation company. The property was abated in June & September 2021.

9955 E. Bayshore Road – Tall Grass

This was a repeat violation from July & November 2020 and was assessed twice in 2020. The owner was deceased and the next of kin refused to maintain the property since they did not have legal possession of the property at the time. The property was abated again in May 2021. The property was eventually sold through a foreclosure proceeding.

1935 Ellsworth – Tall Grass

This was a repeat violation from prior years, but never assessed because the owner always ended up rectifying the violation. However, it was learned that the owner passed away in October 2020 and any potential next of kin refused to maintain the property since they did not have legal possession of the property. The owners significant other then also passed away in July 2021 and the property is delinquent in property taxes. There are no children, no mortgage and any siblings to the deceased are not pursuing probate on the property. The grass was abated in June and late September 2021. The Township has decided to only pursue this property twice a year until it can be foreclosed on for delinquencies.

Dilapidated Structures

In September 2021, hearings were held for 5 properties with dilapidated, unsafe or abandoned structures as follows:

- **4950 E. Bayshore:** Given until April 2022 to finish exterior of structure
- **1049 Englebeck:** Given until November 2021 to remove structure. Was completed by property owner and removed.
- **1070 Englebeck:** Given until October 2021 to remove structure. Owner applied for a permit for a new foundation. Owner has until May 2022 to get the foundation installed and is required to come back before the Board of Trustees at the end of April 2022 to discuss the next steps to be completed on this structure.
- **8615 & 8625 E. Bayshore:** Given until November 2021 to clean up exterior of structure, replace windows, doors and gutters as needed. Work was completed by the property owner.
- **8653 E. Bayshore:** Given until October 2021 to remove structure. Was completed by property owner and removed.

Board and Commission Activities

These boards are made up of citizen volunteers appointed by the Board of Trustees, to review and make determinations or recommendations on planning and zoning matters assigned to them. The Board of Zoning Appeals is a quasi-judicial body that hears requests for variances to the strict application of the Zoning Resolution. The BZA also hears requests for Area and Use Variances, Appeals of the Zoning Inspector's Decisions, Conditional Uses, and Nonconforming Uses. The Zoning Commission provides formal recommendations to the Board of Trustees on amendments to the Zoning Resolution text and the zoning map. These citizen volunteers provide a valuable service to the Township by sharing their expertise and perspective. Activity for this year was as follows:

The **Board of Zoning Appeals** took action on 35 cases (39 in 2020) as follows:

Case# 2021-001	2380 N. Buck Road	Beercheck/Brown	Area Variance	Approved
Case# 2021-014	1946 N. Buck Road	Robert & Brenda Rose	Area Variance	Approved
Case# 2021-015	5205 Wohlers	David & Matthew Dapper	Area Variance	Approved
Case# 2021-016	5881 Oakmont	Brian & Kathleen Rogers	Area Variance	Approved
Case# 2021-017	6271 E. Harbor Road	Harbor Haven - Steinbrick	Conditional Use/ Area Variances	Partially Approved/ Denied
Case# 2021-025	5685 E. Harbor Rd. #1A	Samantha Puckett	Cond. Use. Modif.	Approved w/ Cond.
Case# 2021-029	6271 E. Harbor Road	Harbor Haven - Steinbrick	Area Variances	Approved w/ Cond.
Case# 2021-030	243 Hamilton	Stacey Streeter	Area Variance	Approved
Case# 2021-031	1944 Bayview	Russell Veverka	Conditional Use	Approved w/ Cond.
Case# 2021-039	351 Cedar	Wm. & Connie Nicolson	Area Variance	Approved
Case# 2021-052	2071 Lattimore	Anthony Cesaespada	Area Variance	Approved
Case# 2021-076	237 Elm	Anthony Mavrinac	Area Variance	Denied
Case# 2021-087	5601 E. Bayshore Road	Daniel Jadwisiak	Area Variance	Approved
Case# 2021-110	2494 Port Pleasant	Loretta Grentzer	Area Variance	Approved
Case# 2021-111	538 Plum	Scott Luebecke	Area Variance	Approved
Case# 2021-112	2048 Robert	Andrew Lukcsó	Area Variance	Approved w/ Cond.
Case# 2021-133	583 Columbus Avenue	Daniel Lippert	Area Variance	Approved
Case# 2021-156	2251 Commodore Court	Patrick Fitzgerald	Area Variance	Approved
Case# 2021-184	469 Church Road	Bernard & Brad Knoble	Area Variance	Approved
Case# 2021-185	438 E. Bayshore Road	Mark Somodi/Castaway	Conditional Use/ Area Variances	Partially Approved/ Denied
Case# 2021-186	4816 E. Bayshore Road	Bobby & Triamjai Dawson	Area Variance	Approved
Case# 2021-193	442 Peach	Kristen Eiermann	Area Variance	Approved
Case# 2021-193	9094 Northshore Blvd.	Lakeside Yacht	Area Variance	Approved
Case# 2021-194	161 Oak	Steele/ Levenson	Area Variance	Approved
Case# 2021-205	169 Vine	David & Nancy Douglass	Area Variance	Approved
Case# 2021-211	1625 Jeannie Drive	Mark & Jana Meisler	Area Variance	Approved
Case# 2021-214	1851 Fernwood	Anthony Pinzone	Area Variance	Approved
Case# 2021-243	8280 Gravel Bar	Douglas Hastings	Area Variance	Approved
Case# 2021-244	635 Walnut	Kretschmann Family	Area Variance	Approved
Case# 2021-249	409 Sycamore	Doug & Nancy Adams	Area Variance	Approved
Case# 2021-251	432 E. 2 nd Street	David Workman/ Dearth	Area Variance	Denied
Case# 2021-252	8931 E. Harbor Road	William Ziegan	Conditional Use	Approved
Case# 2021-267	5677 E. Bayshore Road	Jadwisiak/Tucholski	Conditional Use	Approved
Case# 2021-269	2149 Willow Cove	Wyderka/ Pressler	Area Variance	Approved
Case# 2021-270	423 Maple	George & Diann Tyler	Area Variance	Approved

The Board of Trustees reappointed Clyde Shetler as a regular BZA member with a term to now expire 12/31/2026. In June 2021, the Board returned to holding their hearings in-person. However, due to increased cases of Covid-19 and variants, the Board asked to return to the Zoom format in October.

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Board and Commission Activities (Con't)

The **Zoning Commission** 3 cases in 2021 (5 in 2020), as follows:

Case# 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” Ziegan, Owner/Applicant.**

Denied– ZC
Denied – Trustees
Resolution No. 08-2021
Effective – N/A

Case# 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.**

Approval– ZC
Approval – Trustees
Resolution No. 15-2021
Effective – 10.08.2021

Case# ZC-2021-196 **Map Amendment** from “R-C” Recreational Commercial to “R-3” High Density Residential for multiple residential properties within in Danbury Township. **Danbury Township, Applicant.**

Approval– ZC
Approval – Trustees
Resolution No. 27-2021
Effective – 12.10.2021

Permits

The 2021 year resulted in 12 fewer permits than 2020 as far as total number of permits. The Township finished the 2021 year with issuing 288 permits. Between 2011-2021, the Township has averaged 234 permits per year.

The total number of new single-family homes remained about the same with 34 permits, compared to 31 last year. The average number of new single-family home permits issued since 2011 is 26 permits. 32 of the 34 new homes built were on vacant lots; 2 were torn down and rebuilt. All but 2 are started or complete. There were also 3 condominium permits issued for a total of 14 new dwelling units.

Commercial construction activity compared to last year is equivalent. There were 8 new commercial permits issued and 3 commercial additions for a total of 61,721s.f. of new building space compared to 12 new buildings & additions last year for a total of 63,410s.f. These new buildings and additions included a cooler expansion at Big Boppers, a kitchen expansion for Marine City, an outdoor dining expansion for JJ's, 8 new commercial storage buildings, a new restroom facility & equipment storage building for Castaway RV & Marina and a new pavilion for Shady Shores RV campground. Two tenant spaces were finished at the Safe Harbor Development complex and now occupied by Puckett's Pups doggie daycare. 31 new campground sites were also established this year (compared to 112 in 2020).

Permit fees collected this year were down by \$2,269.89, but still more than what was brought in, in 2017, 2018 & 2019. Most permit fees are associated with the size of a project. While there were fewer new commercial buildings, there were more single-family homes, but 4 fewer Board of Zoning Appeals cases, which all contributes to the slight decrease in permit fees collected.

Permits over the years have traditionally begun to increase between April and September. This year however, more permits were issued in January thru April than previous years, slowed during the traditional busy spring & summer months of May, June & July and then up-ticked again in August and October. Some of this likely had to do with the supply chain issues across the United States due to Covid-19 and the inflation of lumber prices.

In addition to issuing commercial building permits and remaining in-line with new single family home permits; residential additions, porches, decks, accessory structures and fencing permits were popular improvements made to existing homes and property. The Township continues to see people retiring permanently to the area and making improvements to their properties in preparation for making them year-round.

It was an unprecedented year again in the number of Board of Zoning Appeals cases and refused permits. Any time there are high amounts of BZA cases, you review if there is something wrong with the Zoning Resolution that may warrant a Text Amendment. About 1/3 of the cases came from Lakeside where a large majority of the properties are nonconforming, almost always requiring some sort of variance for improvements. There's not much that can be done to the zoning resolution regarding this considering that the Lakeside zoning district is the least restrictive for things like setbacks and lot coverage. Five (5) of the cases were as a result of the homeowner either doing work without receiving a permit or doing work that was not included on their original plans.

Enclosed are the Comparison Reports of the permits.

Office Activity

A primary activity of the Zoning staff is responding to inquiries from residents, developers, appraisers, contractors, etc. Inspections are performed to verify or identify violations as well as to verify that projects are completed in compliance with approved plans. In addition, the department staff greets visitors seeking information regarding other township services and directs them to the appropriate official or department.

During 2021 the Department responded to 7,952 calls, e-mails and in-person inquiries and went on 1,120 site visits. This averages 663 calls or emails per month and 94 inspections per month. We had an 11% decrease in phone volume from 2020 and a 3% increase in inspections.

The office daily logs are no longer created, so the data detail is simplified as follows:

- Outgoing Calls 951
- Incoming Calls 2,278
- Other Calls 663
- Emails 4,060
- Violation Letters 57
- Inspections 1,120

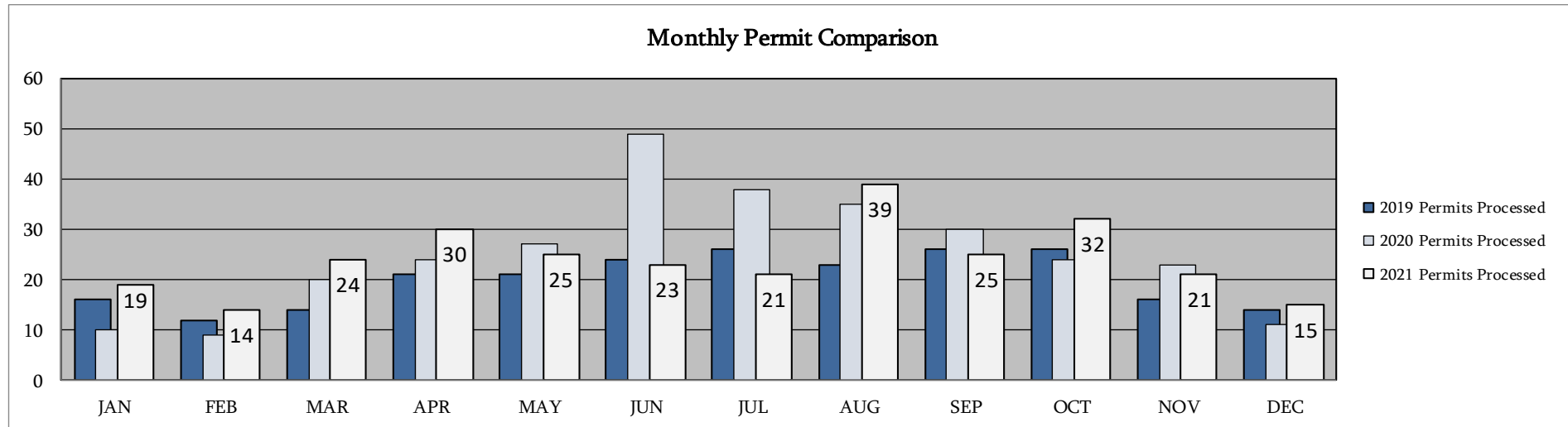
Other Office Updates:

- In January 2021 the Danbury Township Complaints & Violation Procedure Policy was updated to allow more proactive enforcement of tall grass violations without necessarily a formal complaint. The process to enter the property of a tall grass violation was also shortened if the property owner refuses their first warning letter or it is known that the property owner is deceased. A process was also established to allow potential proactive enforcement of nuisance properties that may be in a similar condition on the same street as, or near a property that a complaint was received on.
- After working from home and remotely for an entire year, Staff returned to the office at the end of April/early May 2021. Despite a world-wide pandemic, there has been no delay in zoning work, the ability to turn around permits, or hold public hearings efficiently and effectively.
- Personally, 2021 was a difficult year for my family. We experienced multiple family deaths, all non-related to the pandemic, in a very short amount of time. I want to personally thank the Trustees for their flexibility to allow me to work odd hours through those difficult days, remain working from home longer than I probably needed to and to thank my co-workers and members of the general public for their understanding, words of encouragement, support, cards and flowers.

2021 Monthly Permit Activity Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling	3	2	1	3	3	1	3	2	5	5	5	1	34
Condominium Building			1	1				1		1	1		5
Addition/Porch/Deck	2	2	2	10	5	4	5	11	3	8	4	5	61
Accessory Bldg./Dock/Pool	2	3	8	6	7	8	5	8	6	3		2	58
Fence	2		1	1	3	4	3	4	2	2	3	3	28
Commercial Building	2		2	1			2	1		1			9
Commercial Addition			2	1						1			4
Sign			2							1		1	4
Change of Use				1							1		2
Permit Rejected/Voided	2	1	2	2	3	1	1	4	3	3	3	3	28
Zoning Amendment		1				1			1				3
Appeal													0
Conditional Use	1	2						1		1	1		6
Cond. Use Phase Approval													0
Variance	4	2	2	2	3	1	1	5	3	4	2		29
Special Exception													0
Other Misc.	1	1	1	2	1	3	1	2	2	2	1		17
2020 Permits Processed	19	14	24	30	25	23	21	39	25	32	21	15	288

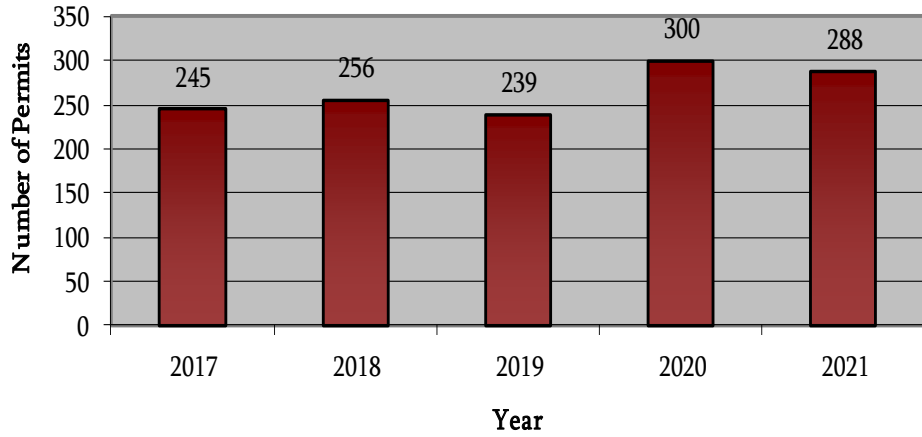
Zoning Books Sold													
Fees Collected	\$2,892.68	1,239.52	\$2,394.72	\$3,273.00	\$1,664.32	\$1,363.86	\$2,000.77	\$3,954.88	\$1,741.00	\$3,367.86	\$1,981.56	\$2,193.29	\$28,067.46



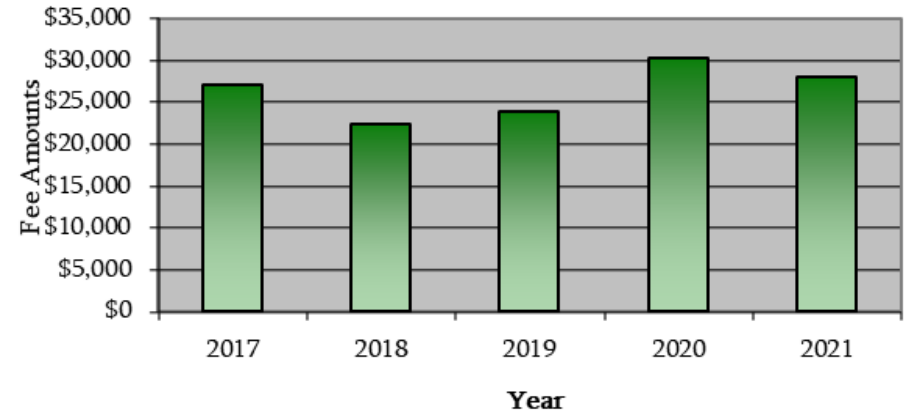
5 Year Permit Comparison Report Danbury Township Zoning

	2017	2018	2019	2020	2021	TOTALS
New Dwelling	28	30	27	31	34	150
Condominium Building	2		2	3	5	12
Addition/Porch/Deck	48	62	54	63	61	288
Accessory Bldg./Dock/Pool	57	43	50	56	58	264
Fence	21	35	22	34	28	140
Commercial Building	17	8	9	10	9	53
Commercial Addition	4	4	2	2	4	16
Sign	5	9	4	5	4	27
Change of Use	2	2	1	2	2	9
Permit Rejected/Voiced	18	22	20	40	28	128
Zoning Amendment	7	4	7	5	3	26
Appeal		1		1	0	2
Conditional Use	3	3	7	2	6	21
Cond. Use Phase Approval				0	0	
Variance	19	20	24	36	29	128
Special Exception				0	0	
Other Misc.	14	13	10	10	17	64
Permits Processed	245	256	239	300	288	1328
Zoning Books Sold				2		2
Fees Collected	\$27,007.06	\$22,361.51	\$23,920.83	\$30,337.35	\$28,067.46	\$131,694.21

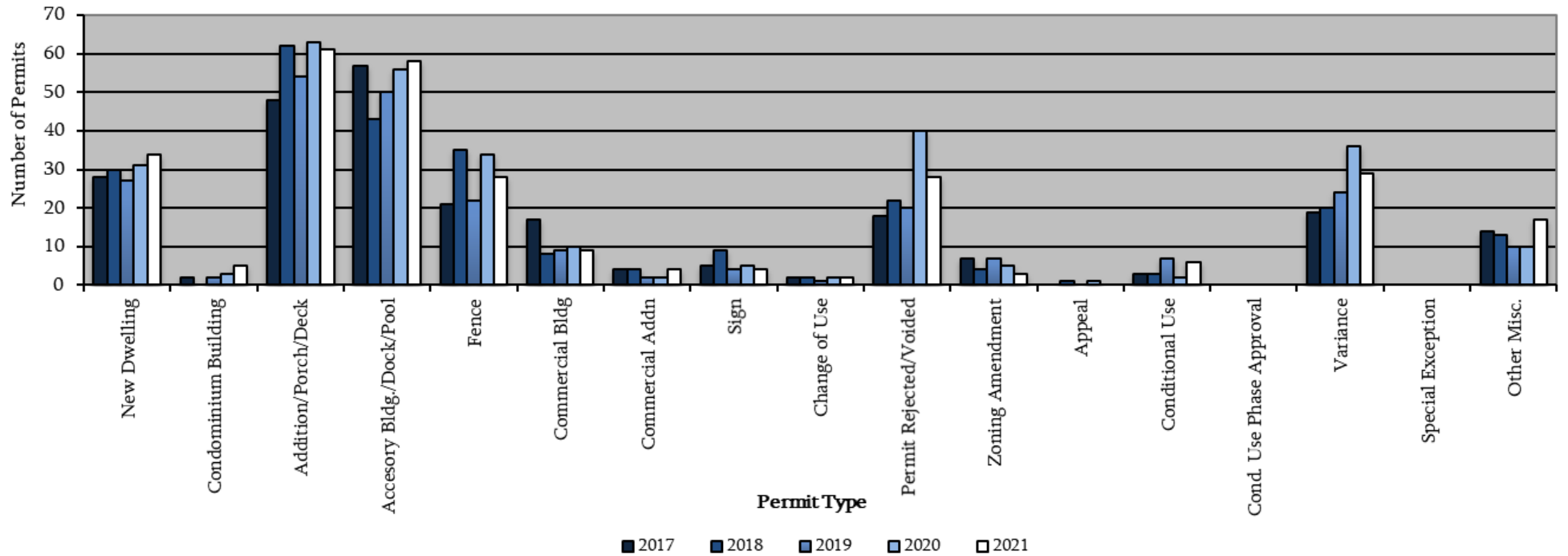
5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



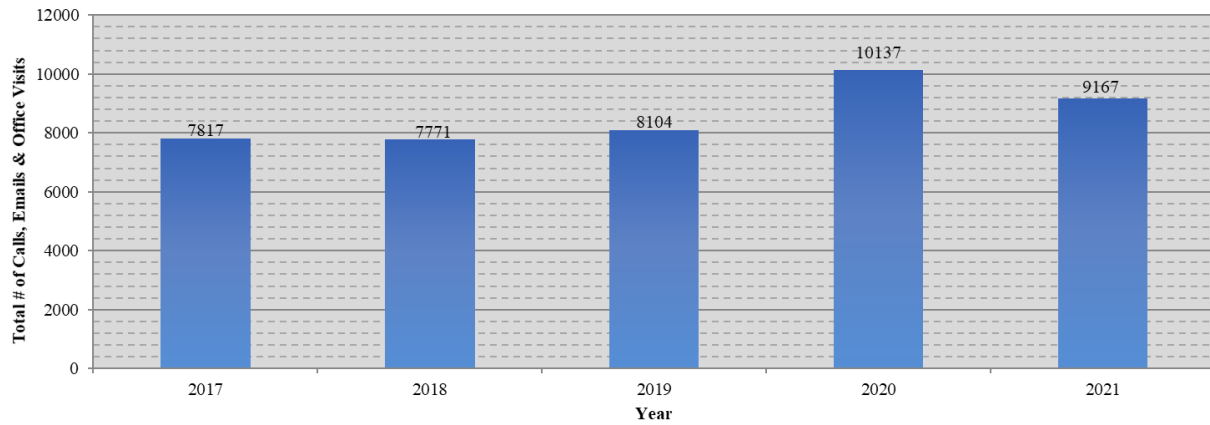
5 yr. Permit Type Comparison



2021 Office Activity Report Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
Calls & Emails													
Outgoing	47	41	104	55	157	122	105	42	43	101	67	67	951
Incoming	246	234	463	349	159	110	117	151	164	119	70	96	2,278
Other						71	76	125	152	89	66	84	663
Emails	340	345	326	408	384	334	324	309	378	272	277	363	4,060
	633	620	893	812	700	637	622	627	737	581	480	610	7,952
Site Visits													
Zoning Violations													
Violation Letters Sent	1	1	1	1	7	13	13	4	8	3	1	4	57
Zoning Inspections	102	25	119	37	125	115	108	62	115	137	95	80	1,120
	103	26	120	38	132	128	121	66	123	140	96	84	1,177
	736	646	1013	850	832	765	743	693	860	721	576	694	8,009
												TOTAL:	9,129

Total Office Activity Comparison



Office Activity Summary

