

Danbury Township Board of Zoning Appeals

December 15,

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The Danbury Township Board of Zoning Appeals was called to order at 6:03 p.m. by the Chair, Joseph Fetzer. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Joseph Fetzer, Vice-Chair, Loretta Grentzer, Ms. Lisa Bauer, Ms. Sherry Roberts, Mr. Clyde Shetler and Alternate, Mr. Gregory Huffman. Alternate, Ms. Patty Zsigo was excused. Also, present was Kathryn Dale, Zoning & Planning Administrator. Visitors present were John & Carrie Tucholski, David Wyderka & MaryAnn Pressler, George Tyler and Jim Switzer.

Ms. Dale read the rules of order for the meeting proceedings. The meeting is being held via Zoom due to the Covid-19 pandemic. Ms. Dale acknowledge everyone who joined the meeting and explained that prior to speaking, the Chair would call on everyone to give them the opportunity to speak. She asked that if they were not speaking to place themselves on mute so that any background noise was blocked. Ms. Dale explained that at the conclusion of the hearing during the Board's deliberation, the applicant and any members of the public would be placed in the "waiting room" of Zoom. She explained that they should not leave the meeting because the Board will come back and make their decision openly. The Chair asked Mrs. Dale if all the documents relating to the case had been received and were in proper order. She indicated that they were. The Chair swore-in the Zoning and Planning Administrator, Kathryn Dale.

The Chair asked Mrs. Dale to introduce the first case of the evening.

Adjudication Hearing
Case BZA #2021-267
5677 E. Bayshore Road
Jadwisiak/ Tucholski

Request for a Conditional Use in accordance with Section 3.5 & 4.2 to permit the use of the structure as a Bed & Breakfast.

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. Ms. Roberts indicated she would be abstaining and remain muted thru the hearing. Mr. Huffman was seated in her place. Ms. Grentzer moved, and Ms. Bauer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated that the application is to convert part of a single-family residential home into a Bed & Breakfast. The property is zoned "R-3" High Density Residential and a Bed & Breakfast is listed as a Conditional Use in this zoning district. The goal of the applicant is to accommodate approximately 6 guests in 2 bedrooms of the house. There are 5 other bedrooms available in the house, but those are all on the 2nd floor of the house and will be reserved for the owners use only. The property is currently in a contingency contract to purchase by the Applicants/ Agents. Mr. Tucholski is a charter captain and intends to be able to house clients coming to the area for the charter.

In June 2019 the current owner of the property (the seller), rezoned the property from "A" Agricultural to "R-3" High Density Residential in order to allow this structure to be utilized as a two-family. For a short amount of time, the structure was utilized that way, primarily as a mother-in-law suite for a handicap family member. The main, original house and the area that this proposed bed and breakfast will operate out of, are all connected with no, total separation between the two spaces. The property was subdivided earlier this year to place the house and detached garage on less acreage than it once was.

The Danbury Township Land Use Plan was updated and adopted in 2017. The subject property is identified as a Neighborhood 2 – Medium Density Residential area. The Neighborhood 2 – Medium Density Residential does call for multi-family living situations to be an appropriate use for this area.

Ms. Dale reviewed the zoning code language for Bed & Breakfast. According to the floor plan submitted, the two rooms being offered for rent meet the minimum 100 sq.ft. size requirements. The one room is 10' x 16' (160s.f.) and the second room is 17' x 22' (374s.f.). The applicants have already had the space inspected by both the Chief Building Official of Ottawa County and the Fire Chief to determine if this space could be used in this capacity and to determine occupancy. A total of 4 parking spaces are required to be provided. There are 4 garage bays available on the property as well as ample space on the property to accommodate additional vehicles or guests who may be bringing a boat or other leisure watercraft & trailers. According to the applicant's letter all other requirements for a B&B Inn on this property will be satisfied. Should the applicants ever decide that they want to offer more rooms for rent, they will have to come back before this Board to have that approved. Ms. Dale reviewed the photographs included in the Board's packets and concluded by reviewing the decision criteria the Board would be considering during their deliberations.

The Chair asked if the Board Members had any questions for Ms. Dale. Ms. Grentzer said asked if Mr. Jadwisiak is the owner and the people on the Zoom are agents, how is it that he is applying

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for the Bed & Breakfast when he's selling the house? Or has he sold it already to these folks? Ms. Dale explained that Mr. Jadwisiak is selling the house, and that is what the Letter of Agency is for – it authorizes the Tucholski's to make this application. Ms. Dale said she presumes the Tucholski's have made their contract contingent upon zoning approval and then if this doesn't go thru, then they are not obligated to close on the property. Ms. Grentzer said they don't own it then. Ms. Dale said that is correct, they do not own it yet, but they have an offer in on the property. They wanted to make sure this would be allowed before finalizing the purchase of the property. Ms. Grentzer asked how we can give them permission to do this then when they don't own the property. Ms. Dale said Mr. Jadwisiak has given them permission to apply for this. Ms. Grentzer said even though he's not going to end up owning the home. Ms. Dale said yes, we've done that a lot in many cases.

The Chair asked Mr. & Mrs. Tucholski if both of them would be speaking. Ms. Tucholski indicated that only she would be speaking.

Carrie Tucholski, Agent/Applicant, 107 Rathbun Drive, Marblehead, was called upon and sworn in. Mrs. Tucholski reviewed the paperwork and stated it was as they had submitted. The Chair asked if there were any additional documents that she wished to enter into the record. There were none. The Chair invited Mrs. Tucholski to provide her testimony.

Mrs. Tucholski said they are very excited about the possibility of opening a Bed & Breakfast. She said her husband is a Charter Captain and it would be nice to have a place for his clients to stay. We want to keep it at a maximum of 6 guests to help keep it quiet and not disruptive to the neighborhood. We would have just the two bedrooms because the house is kind of perfect for that. It's already sort of set-up that way and ready to go. She said they are both small business owners and have been for a long time, so this is just a nice fit for them to be able to add on to what they already do. She said they are super excited for this opportunity. She said that everything Ms. Dale shared that was in the packet is pretty straightforward and she doesn't know what else to add. She thanked them for their time and hope they will find this in their favor.

Mr. Fetzter asked if there were any questions from Board Members. Ms. Grentzer said three occupants in the smaller bedroom seems difficult to get 3 beds in there and asked how they intend to do that. Mrs. Tucholski said they plan to install custom bunks in that room. She said they are actually pretty popular in this type of lodging for this sort of scenario where the people know each other that are staying. She said that when the Building Official was out to inspect, he confirmed that they could fit 3 people in that room. Ms. Grentzer asked if they would finalize the purchase of the property if this were not approved? Mrs. Tucholski said that would be a difficult decision to make because they have fallen in love with the house and have a closing date set. She said that would have to be a serious decision they would have to weigh out and make.

Mr. Fetzter asked if there was anyone with standing who wished to testify, or other correspondence received. Ms. Dale shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that she had not received any written correspondence from any adjoining neighbors and there was no one on the Zoom meeting.

Mr. Shetler made a motion to close the public comment segment of the hearing, seconded by Mr. Huffman. All were in favor and the motion carried.

Ms. Bauer motioned to recess into executive session to deliberate the merits of the case. Mr. Huffman seconded the motion, and the roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzter – yes. The motion carried and the Board recessed at 6:26p.m.

Ms. Bauer moved, and Ms. Grentzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzter – yes. The Board reconvened at 6:33p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2021-267:

With regard to Case #BZA-2021-267 being a request for a Conditional Use in accordance with Section 3.5 & 4.2 to permit the use of the structure as a Bed & Breakfast for the property located at 5677 E. Bayshore Road:

1. The Conditional Use **will** be harmonious with and in accordance with the **general** objectives of the Danbury Township land use plan because the plan calls for this property to be “Medium Density Residential”. The Land Use Plan goal for housing is to provide diverse and affordable housing options. “Medium Density Residential” also calls for multi-family living situations to be an appropriate use for this area.
2. The Conditional Use **will** be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use **will not** change the essential character of the same area because

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- there are no exterior changes proposed that would detrimentally effect surrounding property owners or the natural environment and the number of potential extra people on the premises will be limited due to the number of rooms being offered for rent and their sizes.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses for the same reason as aforementioned in #2 above.
 4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole for the same reason as aforementioned in #2 & #3 above.
 5. The Conditional Use **will** be served adequately by essential public facility and services because public utilities to the site are available and would remain unchanged.
 6. The Conditional Use **will** have vehicular approaches to the property which **will** be designated so as **not to create** an interference with traffic on surrounding public/private streets or roads because the property has existing vehicular approaches adequate to servicing the site.

Mr. Shetler moved that the Board adopts the findings of fact as read by the Recording Secretary and further moved that the Board has given due regard to the nature and condition of all adjacent uses and structure; the influence of the request on adjacent properties, neighborhood and community, the uses specifically mentioned in the “R-3” High Density Residential zoning district and after considering and weighing these factors, the Board finds that Decision Standard(s) (1) (2) (3) (6) weigh more heavily to show that:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the “R-3” High Density Residential Zoning District and the intent and purpose of the zoning resolution; and
- b. There **is** a preponderance of reliable, probative and substantial testimony and evidence that **supports** the applicants request for the Conditional Use;

Therefore, the requests should be accordingly **APPROVED**.

Motion Seconded by Ms. Bauer. Roll Call Vote was as follows: Mr. Shetler – yes; Mr. Huffman – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board’s next meeting which is January 19, 2022.

Time 6:38p.m. Board paused because the next hearing was scheduled to begin at 6:45p.m.

**Adjudication Hearing
Case BZA #2021-269
2149 Willow Cove
Wyderka & Pressler**

Request for an Area Variance from Section 5.1.7 to allow for a new house to connect to an existing garage with a 4' east, rear-yard setback where 5' is required and to Section 3.5 to allow more lot coverage than permitted (43.8% proposed/ 40% required).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Roberts was reseated for this hearing and Mr. Huffman was excused for the rest of the meeting. Ms. Grentzer moved, and Ms. Roberts seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is proposing to remove the existing cottage on the property and rebuild a new SF home. They also intend to keep the 24' x 26' garage and 10' x 10' shed. Proposed lot coverage is 43.8% where 40% is required. They would be over by 191s.f.

In 2004 the owner applied for and received an Area Variance (BZA-2004-150) to allow for a detached garage to be 4' from the north, side property line to the roof overhang. According to the plan submitted at that time, the rear setback to the east property line was going to be met at 5'. However, according to the plans and survey submitted for the new house in this application, the house and garage has no roof overhang along the north side of the structure and is 5' from the north, side property line, but there is an existing garage overhang that encroaches into the east, rear-yard setback by 1'. In other words, the variance from 2004 was not utilized and where the garage ended up being placed did not receive a variance for encroachment into the rear setback. By attaching the new house to the now pre-existing garage, it is viewed all as a principal building or as a singular structure and thus is subject to the principal building, underlying zoning district setback requirement for a 5' rear-yard setback (4' proposed). Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

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The Chair asked if the Board Members had any questions for Ms. Dale. There were none.

The Chair asked Mr. Wyderka & Ms. Pressler if both of them would be speaking. Ms. Pressler indicated that only she would be speaking.

MaryAnn Pressler, Owner, 6532 Sherborn Road, Parma Heights, Ohio was called upon and sworn in. Ms. Pressler reviewed the paperwork and stated it was as they had submitted. The Chair asked if there were any additional documents that she wished to enter into the record. There was none. The Chair invited Ms. Pressler to provide her testimony.

Ms. Pressler said they want to update the property and make it energy efficient and have a little more space, but not a huge home. Appearance-wise, she thinks it will be nice for the neighborhood. When they built the garage in 2004, she said they had no intention at that time to tear down the old cottage and build new. Ms. Pressler said they like the garage and the size, it fits their needs. By attaching the house to the garage, it will allow them to have a little more room for room sizes and to have a laundry room, which we currently do not have. She said they have tried to make this house fit and not be overly large. She said when they found out that they were 191s.f. over on the lot coverage, they did talk about ways to reduce, but there really aren't any areas in the house to be able to cut back. Ms. Pressler said they would take the shed away if that would help, but they'll still be over. She said all their utility services and mail will remain the same. The only changes would be a better-quality house.

Mr. Fetzer asked if there were any other questions from the Board. Ms. Grentzer asked if the garage is really a functioning garage to be able to put vehicles in because she said she thinks the turn into it is difficult. Ms. Pressler said they have parked a vehicle in the garage before and their driveway will be approximately 13' wide along the side of the house. Ms. Pressler said it may be difficult to turn a car into the garage because the shed is there, but the shed is run down, and they are not opposed to removing it if they need too. But for the time being they plan to leave it and see how this all turns out. Ms. Grentzer said she just wanted to confirm they are using it as a garage. Ms. Pressler said yes, it is.

Ms. Roberts asked if this is 2 or 3 bedrooms. She said she sees the master and 2nd bedroom. Ms. Dale said the 3rd bedroom in upstairs.

Mr. Fetzer asked if there was anyone with standing who wished to testify, or other correspondence received. Ms. Dale shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that there was no one else on the Zoom meeting for this case and that she had not received any correspondence from any adjoining neighbors. Ms. Dale said she did receive a phone call from a neighbor to the east asking for clarification on what the request was about, but they did not indicate one way or the other if they were in support or opposition to the application.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Ms. Bauer. All were in favor and the motion carried.

Mr. Shetler motioned to recess into executive session to deliberate the merits of the case. Ms. Grentzer seconded the motion, and the roll call vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:01p.m.

Ms. Roberts moved, and Ms. Grentzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 7:09p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2021-269:

With regard to BZA-2021-269 being a request for an Area Variance from Section 5.1.7 to allow for a new house to connect to an existing garage with a 4' east, rear-yard setback where 5' is required and to Section 3.5 to allow more lot coverage than permitted (43.8% proposed/ 40% required) for the property located at 2149 Willow Cove:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because a single-family home is the highest and best use of the property, which is permitted, however no matter what, a variance would be needed since the existing garage roof overhang encroaches into the 5' rear-yard setback.
2. The request **is not** substantial because the garage encroachment remains unchanged and is a technicality now that a new house is being attached to it. The lot coverage also is not substantial because they will be over by 191s.f. or 91s.f. if the shed is ever removed from the property. The house is not an unreasonable size for the lot and all other zoning requirements are met or are exceeded.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of variance for the

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same reasons aforementioned, the garage encroachment will be unchanged and the lot coverage is the minimum necessary.

4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are existing and will be reconnected.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property but were aware zoning existing in the Township after having been previously before this Board in 2004.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because the garage is pre-existing and because if the shed were removed, they would still need a variance for lot coverage and the house is reasonably sized for the lot.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no known negative impact that the variances would have on adjoining property owners.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (1) (2) (6) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by Ms. Roberts. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is January 19, 2022.

Adjudication Hearing Case BZA #2021-270 423 Maple Tyler

Request for an Area Variance from Section 3.5. to allow for an addition onto the existing house to encroach into the north, side-yard setback (2' proposed/ 3' required).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Mr. Shetler moved, and Ms. Bauer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is proposing essentially a 10' x 19.5' kitchen & laundry room addition and a 7' x 16' covered porch addition onto the rear of the existing house. The existing house is nonconforming because it encroaches into the required front-yard setback and the roof overhang is 2' from the north, side property line. The proposed addition will align with this same north, side yard setback from the property line as the existing house which is 2' where 3' is required. All other requirements are met in regard to lot coverage and allowable square footage onto a nonconforming structure. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

The Chair asked if the Board Members had any questions for Ms. Dale. There were none.

George Tyler, Owner, 5854 E. Woodland Drive, Port Clinton, Ohio was called upon and sworn in. Mr. Tyler reviewed the paperwork and stated it was as he had submitted. The Chair asked if there were any additional documents that he wished to enter into the record. There were none. The Chair invited Mr. Tyler to provide his testimony.

Mr. Tyler said the house has been in the family since 1965 and they purchased it from the Herman Estate and he was the last lighthouse keeper. He said they appreciate the fact that there are setback requirements in Lakeside and other basic zoning requirements. He said they don't want to undercut what is required, but their issue is they would like to have the house look, as much as possible, that it was built in 1946 with this addition already on it. Initially when the architect came out to draw it, he showed that the setback would be met, but Mr. Tyler said he knew where the survey pins were and remeasured and said they meet the setback to the foundation, but it wasn't until they presented this plan that they found out from Lakeside and Ms. Dale that the setbacks are measured to the roof overhangs. Mr. Tyler said they would like to align the exterior wall and roof overhang of the existing

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house. He said they certainly could set the addition in by 1', but then he thinks it looks like an addition and they are trying to make this blend in with the original house. They would then have to adjust everything in the house too to accommodate a 1' bump-in.

Mr. Fetzer asked if there were any other questions from the Board. There were none.

Jim Switzer, Director of Lakeside Historic Preservation, Design review and Municipal Projects, 236 Walnut, Lakeside, Ohio was called upon and sworn in. Mr. Switzer said both the design and variance are supported by the Lakeside committees. It is simply the roof overhang, and he has been in the house. He said even a 1' loss in size significantly impacts the design and investment they are making in the addition. Ms. Switzer said Lakeside takes a strong interest in the front of the house and height of the house, so when you get into the rear of a structure, the one neighbor and the Tyler's are going to be the only ones who see the impact of this variance request. He said they are a very nice family; it's a nice property and it is a great concept to try to make this look like it was never an addition. He said it is a little bit of a difference in the Historic Preservation guidelines that asks for a little bit of a differentiation, but again this is in the rear of the property and wasn't as much of a concern to the Design Review Board to follow the existing lines of the structure, so they supported the request.

Mr. Fetzer asked if Mr. Tyler wished to refute anything Mr. Switzer shared. Mr. Tyler said no.

Mr. Fetzer asked if there was anyone else with standing who wished to testify, or other correspondence received. Ms. Dale shared that in order to ensure the adjoining property owners had a chance to have a say in this hearing who may not have been able to participate in the Zoom format, she allowed written statements due to the health crises situation. She reported that there was no one else on the Zoom meeting for this case and that she had not received any correspondence from any adjoining neighbors.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Mr. Shetler. All were in favor and the motion carried.

Ms. Grentzer motioned to recess into executive session to deliberate the merits of the case. Ms. Roberts seconded the motion, and the roll call vote was as follows Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 7:28p.m.

Mr. Shetler moved, and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. The Board reconvened at 7:32p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2021-270:

With regard to BZA-2021-270 being a request for an Area Variance Section 3.5 to allow for an addition onto the existing house to encroach into the north, side-yard setback (2' proposed/ 3' required), for the property located at 423 Maple:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can be used for a single-family residence.
2. The request **is not** substantial because it is primarily for the encroachment of roof overhangs and not the bulk of the structure, such as the foundation or walls.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance for the same reason aforementioned in #2 above.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property because they inherited the property that was purchased by family prior to zoning taking effect in the Township.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by setting this addition in, but they are hoping to align this addition with the outer wall and roof overhangs of the existing house.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there will still be ample, light, air and space between this addition and the home on the north side of it. This would be the minimum variance needed to accomplish the goal of the project and the encroachment will be approximately 12' above ground.

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Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by Ms. Grentzer. Roll Call Vote was as follows: Mr. Shetler – yes; Ms. Roberts – yes; Ms. Grentzer – yes; Ms. Bauer – yes; Mr. Fetzer – yes. Vote 5-0 the motion passed. The Chair stated that the application has been approved and the applicant can pick up permits following the Board’s next meeting which is January 19, 2022.

Approval of November 17, 2021, Board of Zoning Appeals Meeting Minutes

Ms. Roberts made a motion to approve the November 17, 2021, meeting minutes as presented. Mr. Shetler seconded the motion. All were in favor, motion carried.

Signing of Decision Sheets

The Chair asked if the Board had the opportunity to review the Decision Sheets presented for the following cases. Ms. Ms. Grentzer motioned for approval of the decision sheets as presented. Ms. Bauer seconded. All were in favor and the motion carried.

- a. **BZA-2021-243 8280 Gravel Bar.** Request for an Area Variance from Section 5.1.7 to allow for a rooftop deck to encroach into the west, side-yard setback (1' proposed/ 5' required). **Douglas Hastings, Owner/Applicant.**
- b. **BZA-2021-244 635 Walnut.** Request for an Area Variance from Section 3.5 to allow for a front porch addition to encroach into the required west, front-yard setback (5' required/2'4" proposed). **Robert & Katherine Kretschmann, Owner/ Applicant; Terry Ross & Jerry Kretschmann, Agents.**
- c. **BZA-2021-249 409 Sycamore.** Request for an Area Variance from Section 5.10.3.A.i to allow for the elimination of a parking space and allow for only 1 parking space where 2 spaces are required. **Doug & Nancy Adams, Owner/ Applicant; Dan Carroll, Contractor & Terry Ross, Architect, Agents.**
- d. **BZA-2021-251 432 E. 2nd Street.** Request for an Area Variance from Section 7.12.3.B to allow for the nonconforming house to be moved and placed back in its same location as opposed to being lifted in place. **David & Meredith Workman, Owners/ Applicants; Tom Dearth, Contractor/Agent.**
- e. **BZA-2021-252 8931 E. Harbor Road.** Request for a Conditional Use in accordance with Section 3.5. & 4.7 to allow for the existing property to come into legal compliance as a 6-unit multi-family property. **William Ziegan, Owner/Applicant.**

Old Business

There was none.

New Business

Ms. Grentzer asked about training for the Board Members. Ms. Dale stated she would get something lined up for this year.

Other Business

- a. **Election of Officers:** *Elected officers are permitted to hold the same elected position for a maximum of two (2) consecutive years and must abstain for one (1) full year before being re-elected to that position.*

Chair: Joe – 2020, 2021
 Vice Chair: Loretta – 2020, 2021
 Secretary: Lisa – 2020, 2021

Nominations: Ms. Bauer nominated Mr. Shetler for Chair. Ms. Roberts nominated Ms. Grentzer for Chair.

Chair: Ms. Roberts motion for Ms. Grentzer to be Chair. Mr. Shetler 2nd. Vote: All Ayes

Vice Chair: Ms. Roberts motion for Ms. Bauer to be VP. Mr. Shetler 2nd. Vote: All Ayes

Secretary: Ms. Roberts motion for Mr. Shetler to be Secretary. Ms. Grentzer 2nd. Vote: All Ayes

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b. Acceptance of By-Laws and 2022 Meeting Schedule.

Ms. Grentzer made a motion to accept the 2022 Meeting Schedule and the By-laws. Ms. Roberts seconded the motion. All were in favor, none opposed. Motion passed. There was none.

Reports and Communications from Members and Staff

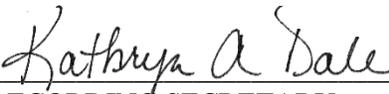
Ms. Dale shared that there was a major rezoning that took effect December 10, 2021, so with their packets for next month, there will be new zoning maps to insert into their binders. She told the Board Members that if they would like her to look over their binders to make sure they have the most current version of everything, to stop in and she'll be happy to make sure they have everything they need.

Ms. Dale said that there will likely be a need to hold 2 hearings in January because she is expecting 7-9 cases to be filed. Discussion took place on Board availability should that be needed and it was decided that a Tuesday, January 18th & then the normal Wednesday, January 19th meeting date would work for everyone's schedules as opposed to holding an extra hearing on that Thursday.

Adjournment

Mr. Shetler moved to adjourn the meeting and Ms. Roberts seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 8:00p.m.


RECORDING SECRETARY

Clyde Shetler dotloop verified
01/19/22 11:49 PM EST
AD7Y-VA1M-JP77-NRRP

Joseph Fetzer dotloop verified
01/20/22 10:04 AM EST
BOWJ-Z0DF-UUUL-LHBO

Sherry Roberts dotloop verified
01/19/22 11:52 PM EST
GLNR-U5AC-0GH6-XOZI

Loretta Grentzer dotloop verified
01/20/22 9:54 AM EST
TC6A-MRLH-AV5J-MJG8

Lisa Bauer dotloop verified
01/20/22 10:09 AM
EST
RFIA-JDX9-YIKD-SWDJ

BOARD OF ZONING APPEALS