

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

March 2, 20 22

The Danbury Township Zoning Commission was called to order at 6:30p.m. at the Danbury Township Meeting Room by Chair, Mr. Michael Brown. The pledge of allegiance was recited. The roll call showed the following present: Mr. Michael Brown, Ms. Susan Dress, Ms. Jodi Kopanski and Mr. Robert Strauss. Mr. John Basilone, Alternate, Mr. Vito Kaminskis and Alternate, Ms. Barbara Singer were excused. Kathryn Dale, Zoning and Planning Administrator was also present. There were no visitors present.

Approval of the December 1, 2021, Minutes

Mr. Brown asked if all the Commission Members had had an opportunity to review the minutes from the previous month. All indicated they had. Mr. Brown asked if there were any corrections or modifications. Ms. Dress said one minor correction was needed under "New Business" to read "an article" instead of "and article". Mr. Strauss made a motion to approve the minutes for the December 1, 2021, meeting with the correction. Ms. Dress seconded the motion. All Ayes. The motion carried.

Public Hearing

There was none.

Unfinished Business

There was none.

New Business

Worksession: Discussion on Accessory Building Ratio

Ms. Dale shared that the focus of the discussion is how to allow properties of larger size to have more accessory building space that can be approved administratively as opposed to going before the Board of Zoning Appeals, especially when some requests are reasonable. She distributed to them a listing of all variances requested for larger and taller accessory buildings over the last 10 years. The handout included how much acreage each property had as well. In summary, the average sized building was just over 2,600s.f. and on property consisting of 3 acres. She provided in the breakdown what the average building size request was for each zoning district which ranged anywhere from 1,875s.f. to 3,440s.f. on properties typically between 2 and 4.25 acres.

Ms. Dale explained how agricultural exemptions apply, but also the enforcement issues of those buildings if and when the properties transfer to someone who no longer wishes to continue the use of the building for agricultural purposes. Discussion was also had regarding whether the height of the buildings should increase due to the width span a roof has to cover on larger buildings which results in certain truss designs. Ms. Dale said the variances requested sometimes result in taller height requests because of this, as well as due to what people are intending to put into their building, but the average request is between 22' to 24' instead of the maximum 20' building height. Ms. Dale shared the example of wall signage and how they are allowed to increase in height based on how far back they are from the front property line and said a similar type of regulation could be used for accessory structures. She said she did not have any potential new language listed in their handouts for them to consider at this time regarding height, but this may be something to consider, but there should be a cap on maximum height, and it should remain where the height is less than what the principal use or house is allowed to be, which would be something less than 35'.

Discussion was had regarding whether these larger buildings would encourage illegal conversions of them into residences or apartments. Ms. Dale explained that this is happening now with current accessory buildings. Mr. Brown confirmed that this happens in Lakeside even in the small accessory buildings. He suggested that possibly these larger accessory buildings, whatever ends up being allowed, is based on a gross square footage rather than the footprint of the building. Ms. Dale said it is something to consider, but she wasn't sure it would resolve the issue of buildings being illegally used or converted for residences for many reasons. She said once the shell of the building is built, which could be the gross they are allowed, they could add more "square footage" inside via a loft and it may not be known for a long time. She said if they construct the loft for proper use, or storage, it shouldn't be an issue because the primary zoning focus of allowing a larger building should be on the exterior size of the building.

Ms. Dale then reviewed with the Commission 4 options of how a calculation could be done to allow larger buildings and what those calculations would result in based on the property size. Ms. Dale said she did reach out to the Ottawa County Chief Building Official and has verified that there is no specific size that would then kick a building into a Commercial Building Code Standard. Ms. Dale pointed out on the options presented, the higher the acreage is, the larger the building is and, in some options, almost excessive. She said one of the things they will have to keep into consideration is how we do this responsibly, reasonably, yet fair and not excessively, to make sure that the residential character is not negatively affected either. The Commission reviewed in detail each of the 4 options Ms. Dale provided to them. The first 2 options involved a square footage allowance for every acre over 1 acre, presented two different ways. Mr. Brown indicated that he thought that Option 3 that provided a percentage increase seemed like the easiest to calculate. Ms. Kopanski pointed out though that at a 5% increase, it doesn't get the numbers high enough to even meet the averages presented that

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the BZA is having come before them and that people are requesting. Mr. Brown suggested coming back with a higher percentage and presenting next month was higher percentages result in for building size. Ms. Dale pointed out on the 4th option; a property would have to be over 2 acres before any increase would be seen. Ms. Dale shared that she had another handout for them tonight that comes up with more of a ratio calculation based on the square footage of the property. She said the issue with this is that even at a really small ratio, the numbers for allowed square footage come in just way too high.

Ms. Kopanski said her question with all of this is how tall a building would need to be based on what size the base of the building is. She said her point is IF we get to a 10,000s.f. building, how tall does that need to be? She said she just doesn't want to end up in a position where the requirements are unattainable. She said it seems to her that they almost would need to work backwards, find out how tall some of these building sizes would actually have to be. She said for instance, if a 10,000s.f. building has to be 35' tall, then they have to ask themselves, do we really want buildings to be that large? Ms. Dress agreed she thinks they need to figure out what the maximum height of a building should be and then figure out what size building that would allow for. Ms. Kopanski agreed, there has to be a stopping point or cap so that the building still feels residential. Mr. Brown asked if someone could present to them what requirements or industry standards would be for these types of buildings. Ms. Dale said she could reach out to the Ottawa County Chief Building Official and some contractor's who focus on accessory building construction.

Ms. Kopanski asked if they allow up to 4,000s.f. buildings and that's the cap, are people going to come back and ask for more? Ms. Dale said she supposes anything is possible, but you start to get into the dollar and cents of it, they would still have the variance process available to them, but that then one would have to ask about the reasonableness for the size over, for a building based on where it is located. At some point the BZA would then have to ask themselves, why doesn't the person get a commercial building or start to let go of the things they have.

Ms. Kopanski asked Ms. Dale which option she thinks would be the easiest to enact or enforce. Ms. Dale said Option 3 or Option 4. Ms. Dale said her concern with the 5%, is that incrementally, there doesn't seem to be large enough increases between acreage size. She also said that it leaves you will odd measurements like 1,410s.f. What can be done with 10s.f? Why not just say 1,400s.f. So that option would have to be rounded to the nearest 10th or 100th. If they go with a percentage, it's going to have to be something more than 5%. Ms. Dale said Option 4 is very easy to calculate as well and output numbers round off nicely.

Ms. Dale said she was not expecting any decisions tonight. She just wanted to walk them through some options and different ideas on how we can allow larger buildings. She offered that if any of them have some ideas, she's open to hearing those as well. Mr. Brown asked that for the next meeting we try to have a presentation by a contractor(s), or the CBO, or both for the next meeting. Ms. Dale said she would reach out to them and see what their availability is. If they can't come, then maybe they could come for May. Ms. Dale said she'd keep them abreast.

Other Business

There was none.

Reports and Communications from Members and Staff

Ms. Dale distributed the new zoning maps for their zoning resolutions that went into effect December 10, 2021. She shared that if anyone wants her to look over their binder to make sure everything is up-to-date, she'd be happy to look through them.

Public Comments Regarding Zoning Items Not on the Agenda.

There was none.

Adjournment

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

The meeting was adjourned at 7:44 p.m.

Kathryn A Dale
RECORDING SECRETARY

[Signature]
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John A Basitone
ZONING COMMISSION