

RECORD OF PROCEEDINGS

DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

June 29,

20

22

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall on June 29, 2022, was called to order at 6:00 pm by Trustee Dianne Rozak.

The Pledge of Allegiance was recited. Roll call: Trustee Dress, Trustee Rozak and Trustee Hirt were present. Fiscal Officer, Carolyn Adams and Zoning Inspector, Kathryn Dale were also present. Visitors in attendance were Dan Carroll, Kenn Bower Jr., Jim Edwards, Mike Brown, Rich Gillum, David Claus and Jim Switzer.

Ms. Rozak announced the meeting would consist of three public hearings. The map amendments first, followed by the text amendment. She then turned the meeting over to Zoning Inspector, Kathryn Dale, who introduced the first application:

Public Hearing

ZC-2022-080

1381 & 1405 Englebeck Road

Carroll

Map Amendment

Request for a Map Amendment from "A" Agricultural to "R-1" Rural Residential for PIN# 0141340918065000 & 0141340920565000 (Lot 10 [150' x 218'] & Lot 11 [80' x 218'] Orchard View Subdivision.) consisting of 1.15 total acres. DCC Holdings, Dan Carroll Owner/Applicant.

Ms. Dale read her staff report and stated that the Owner was present. Ms. Rozak asked if anyone was present, other than the owner, who wished to speak either for or against this application. There was none. Ms. Rozak asked Owner, Dan Carroll, if there was anything else he wished to add to Ms. Dale's report. Mr. Carroll said that Ms. Dale stated everything correctly and that he doesn't want the lots lopsided. He would like them the same size, so in case he sold a lot, he would have room to add on to his existing home.

Ms. Rozak asked the Board if they had any questions. There being no further questions, Mr. Dress introduced the following resolution and moved for its adoption:

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at ^{6:00} ~~6:00~~ p.m., on June 29, 2022 at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr. Ms. Dress introduced the following resolution and moved its adoption:

RESOLUTION NO. 19 - 2022

A RESOLUTION ADOPTING AN APPLICATION FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Dan Carroll, DCC Holdings, LLC, Owner of property at 1381 & 1405 Englebeck Road, PIN# 0141340918065000 & 0141340920565000 (Lot 10 [150' x 218'] & Lot 11 [80' x 218'] Orchard View Subdivision.) filed Case No. ZC-2022-080 requesting a Map Amendment from "A" Agricultural to "R-1" Rural Residential for 1.15 total acres; and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on May 17, 2022, and recommended unanimous approval of the proposed map amendment; and

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WHEREAS, the Danbury Township Zoning Commission held a public hearing on June 1, 2022 and by motion and vote recommended 5-0 approval of the proposed map amendment as presented; and

WHEREAS, on June 29, 2022 the Board of Trustees held a public hearing on said amendment, received public comment, and reviewed all pertinent documents; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to accept the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that the Decision Criteria "b" of Section 7.7.3.E.ii of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
2) That the property be subject to the regulations of Article 3 ("R-1" Rural Residential) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking standards; and
3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its

committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and

- 4) That this Resolution shall be effective at the earliest date allowed by law.

Mr/ Ms. HIRT seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak Yes Mr. Dress Yes Mr. Hirt Yes

ADOPTED this 29 day of June, 2022.

Attest: Carolyn Adams Fiscal Officer

Board of Trustees Danbury Township Ottawa County, Ohio
Dianne Rozak
John Paul Dress
David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 29th day of June, 2022 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams Danbury Township Fiscal Officer

Ms. Dale stated the map will officially be amended in thirty days if there is no petition. Then Mr. Carroll will be able to apply for his lot reconfiguration through the County. Mr. Carroll thanked the Board and Ms. Dale for their help with this amendment

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**Public Hearing
ZC-2022-107
5216 E. Harbor Road
NN Ennterprises/ Bower
Map Amendment**

Request for a Map Amendment from "C-2" General Commercial to "R-C" Recreational Commercial for Part of Lot 4, Section 4, PIN# 0141164115578006 consisting of 5.3003 total acres. NN Ennterprises, LLC, Kenn Bower, Jr. Owner/Applicant.

Ms. Dale read her staff report and stated owner was present. Ms. Rozak asked if anyone was present, other than the owner, who wished to speak either for or against this application. There was none. Ms. Rozak asked Owner, Kenn Bower, Jr., if there was anything else he wished to add to Ms. Dale's report. Mr. Bower, Jr., said that he would like to add that just to the east on the corner of Buck Road, there are several parcels that are currently zoned recreational commercial. Then as you go north down Buck Road, maybe quarter of a mile on both sides, it is also zoned recreational commercial. And as already stated, to the west, two parcels are recreational commercial as well.

Ms. Rozak asked the Board if they had any questions. There being no further questions, Mr. Dress introduced the following resolution and moved for its adoption:

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on June 29, 2022 at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr./ Ms. John Paul Dress introduced the following resolution and moved its adoption:

RESOLUTION NO. 20 - 2022

A RESOLUTION ADOPTING AN APPLICATION FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Kenn Bower, Jr., NN Ennterprises, Owner of property at 5216 E. Harbor Road, Part of Lot 4, Section 4, PIN# 0141164115578006 filed Case No. ZC-2022-107 requesting a Map Amendment from "C-2" General Commercial to "R-C" Recreational Commercial for 5.3003 total acres; and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on May 17, 2022, and recommended unanimous approval of the proposed map amendment; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on June 1, 2022 and by motion and vote, recommended 5-0 approval of the proposed map amendment as presented; and

WHEREAS, on June 29, 2022 the Board of Trustees held a public hearing on said amendment, received public comment, and reviewed all pertinent documents; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to accept the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that the Decision Criteria "c" of Section 7.7.3.E.ii of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
- 2) That the property be subject to the regulations of Article 3 ("R-C" Recreational Commercial) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking standards; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open

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meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and

4) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Ms. HIRT seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak Yes Mr. Dress Yes Mr. Hirt Yes

ADOPTED this 29th day of JUNE, 2022.

Attest:

Carolyn Adams
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne Rozak
Dianne Rozak

John Paul Dress
John Paul Dress

David Hirt
David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 29th day of JUNE, 2022 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams
Carolyn Adams
Danbury Township Fiscal Officer

Ms. Dale stated the map will officially be amended in thirty days if there is no petition. Mr. Bower, Jr., thanked the Board and Ms. Dale.

Public Hearing
ZC-2022-096
Lakeside
Text Amendment

Request for Text Amendments to Section 3.5 'District Requirements' for the "L" Lakeside and "LBO" Lakeside Business Overlay zoning districts to modify setback requirements in both zoning districts and the maximum building height requirement in the "LBO" zoning district. Section 5.10 'Parking & Loading Requirements' to reduce the number on-site parking spaces for dwellings in these zoning districts. Lakeside Association Owner/Applicant; Jim Switzer, Representative.

Ms. Dale read her staff report and stated Lakeside Association is the owner applicant, Jim Switzer is their representative and present for meeting.

Ms. Dale said that they had two descending votes with the Zoning Commission. One was revenue loss and circumventing a zoning process, but it will be presented that the loss from properties going to the BZA is minimal per year and not a concern from the financial side of things. The other dissenting vote was concern about the parking section. That member indicated that she would have approved the other two parts of this request had the parking not been included with this application.

Ms. Dale stated what Lakeside is proposing with these text amendments is a zero setback on the front and the sides and the rear. In their private restrictions, much like other subdivisions do in

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Danbury Township, Lakeside is going to have a more restrictive requirement in their private restrictions. Lakeside is still going to require a five-foot front yard, three-foot side, three-foot rear, but the zoning requirement, if this text amendment changes, would go to zero. If a person wants to deviate from their private Association requirements, there's typically an internal review process for that homeowner to go through with their Association to be placed closer to a property line than what their deed restrictions say. It's no different for Lakeside, they already have that process set up with their boards and commissions within their organization.

Trustee Rozak asked, from a zoning standpoint, if all conditions were met, could there be a situation where two adjacent property owners could share a common wall or have walls backing up to each other?

Ms. Dale said that the building department has a requirement that walls have to be so far away from the property line. If somebody were to add-on to their house or build a new house, closer than three feet to the property line, there are fire-rating requirements, there are no opening requirements in place also. Lakeside is going to maintain a setback internally and if somebody wanted to be closer than three feet, there's a building code process to go through for appeals. The probability of two walls being side by side or right up next to each other is not high. Trustee Dress asked and Ms. Dale replied that the building code is through the County.

Ms. Dale stated that by going to a zero setback, it does not circumvent zoning altogether. Property owners in Lakeside are still going to be required to get zoning permits for new construction, it's just that our setback will be zero. They still are going to have to meet the height requirement, they're still going to have to meet the lot coverage requirements, they're still going to have to meet the shed and accessory building requirements and the fence requirements. So, that stays the same, it's just that the proposal is to change the setback, and to reduce the number of parking spaces.

Where we are going to see the biggest change in zoning with this proposed text, and Mr. Switzer will touch upon this; are with the properties in Lakeside that are nonconforming. They don't meet the five-foot setback right now and they don't meet the three-foot setback right now. So, when a property owner wants to make an improvement to a house, that's nonconforming, or closer to the property lines than what's allowed, that addition either needs to meet the setback requirements, or get a variance. But that structure is limited to how much they can add on to it, even if it's below their lot coverage. They're limited to a 20% addition onto the structure, and they're limited to how much they can modify the structure. Based on our definition, that modification takes place internally and it's 75% of the floor area of the house. Up to 75% can be modified, if you go over the 75% modifying your interior floor area, then for zoning purposes, it's basically viewed as a demolition. We face that 20% and 75% regulation frequently in Lakeside, because the structures don't meet the setbacks to begin with. By going to a zero setback, now that 20% is no longer going to be applicable. They'll still have to meet their 55%, but the 75% is no longer applicable. We won't care how much they decide to gut the inside of the structure. If they're going to do a total teardown of that nonconforming structure, then yes, they would still have to rebuild in conformity. The requirements for zoning would be a zero setback, but then it would be a new build through Lakeside, and they would still have to meet the setbacks for Lakeside.

Trustee Rozak asked Ms. Dale if she will still be issuing permits for additions and remodels. Ms. Dale said yes, she would still do that even if this language takes effect. They will still have to comply with the property's use, and they'll still be required to have a zoning permit.

Trustee Rozak asked for an explanation on the 45-foot height requirement. Ms. Dale stated that the 45-foot height requirement is only proposed in the business district, not the rest of the Lakeside district, just the LBO district.

Trustee Rozak asked if a two-story building downtown wanted to put two more stories above it, would they be allowed through zoning?

Ms. Dale stated, yes, they would be as long as they are at or under the 45-foot height requirement. But there is more to consider: The building has to structurally be able to hold another two stories. Building codes, after so many stories, and in mixed buildings with commercial on the first floor and residential above, require sprinkler upgrades. There were concerns about the fire truck being able to have the ladder extend high enough, but in big cities and high-rise buildings, after a certain height, sprinklers are required and after another certain height, valves are required in all stairwells. Extra precautions for fire safety are required in the building code dependent on the height of the building. There are buildings in Lakeside right now that are over 45 feet tall and over 30 foot tall. This is a reasonable request to make their buildings in the business district more conforming and should something catastrophic happen; less of a loss for them to be able to try to recover.

Ms. Dale continued the zoning code says two parking spots are required on site. With a 33-foot-wide lot, the current codes three-foot setback takes off six feet, with a 20-foot minimum house size requirement, and taking into consideration overhangs, you maybe have five feet left to fit a car on the side of the house. The parking requirement is a nine-foot-wide parking spot. It's forcing people to

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move their houses back further on the lot so that they can get their two parking spots in front of the house. Lakeside's road right-of-ways are anywhere between 40 and 50 foot wide. The street itself is about 20 foot wide. People are not able to park in front of their houses on some streets, but on many of streets they are able to park. If Lakeside is okay with cars parked in their road right-of-way, and it's not obstructing the roadway, we should not be concerned with it. It's just on a technicality standpoint, they may have two spaces available to them, but one is on the road right-of-way, not 'on-site', as the zoning code says it has to be. Lakeside tries not to encourage people to bring their cars into the gates just because of the amount of people and bikes and kids and golf carts. But I don't think we're going to see a negative impact where all of a sudden, we don't know where to park people. Because I just don't think that eliminating one parking spot from a requirement is going to have an impact or change on the traffic and parking in Lakeside. That's my personal opinion.

Ms. Rozak asked if someone does have a larger lot, and they have two spaces available, they're certainly welcome to continue to do that. It's just it will no longer be mandated through zoning that two parking spaces have to be available forever.

Ms. Dale said this is correct and some houses have garages and a driveway. The garage automatically counts as spot as long as it was designed for a car not solely for a golf cart.

Ms. Rozak asked if there were any questions for Ms. Dale from the board. There were none.

Ms. Rozak turned the floor over to Mr. Switzer, representative for Lakeside Association.

Mr. Switzer stated that Ms. Dale did a phenomenal job. He stated that as new homes are designed on the lots available, there's not much land left for parking. The second car is typically on the property except maybe the last six to eight feet of the vehicle; not all of it is in the right-of-way. The other thing is physical barriers; some streets are 40 foot wide and everything else is 50 foot wide right of way. The typical width of our streets are 17 feet, we get 20 feet for the fire truck by allowing them to drive in grass and over plantings.

Mr. Switzer also added that before COVID, they initiated a project to change the rules in Lakeside for a whole host of reasons. They've been tacked on and are hodgepodge in different sections. You can find building issues in Titles One, Two and Three. Title Three primarily was added in 1993 for stock preservation Design Review Board. Titles One and Two were primarily initiated in the 80's. In 1983, they became a historic district. That's why they started looking at the rules differently. Even back then, they followed the guidelines of the Secretary of Interior for Rehabilitation when it comes to structures that are contributors to a historic district. That means they want to try to maintain scope, scale, style materials, and look. When it comes to building cottages bigger, that's generally not our goal. However, a typical cottage in Lakeside might only be 700 or 800 square feet. So, 20% is only a 160 square foot addition. Lakeside wants to address everybody's needs. The board, in the last year, put together a strategic initiative, and they added a challenge to the Municipal Services Committee of the board, which guides the use of the property and Lakeside, and the rules. They added a condition; to meet the twenty-first century needs of the cottage owners, while maintaining the historic district and the character. It added some additional challenges in which the space is a problem on a 33-foot lot. People are investing in today's dollars, material prices, contractor labor, if they built the cottage that meets all of the rules of spending a lot of money but really not getting a place that a family of four, with grandkids coming in can enjoy. Some of these cottages would be pretty challenged to do that.

He continued regarding the total number of applications and concern for revenue. He came before the Board of Zoning Appeals with 47 applications, which is about 25% of all applications to the BZA. Statistically there are 950 living units within the fence and a 1/6 of all the living units in Danbury, but 15-18% of those permits asked for was 25% of the BZA. So, they stepped back and said why? Is there something we're doing wrong? Or is there something that doesn't fit, and part of what doesn't fit is our lots were platted in 1880. If you go to your zoning websites, it says 1900, but that was an 1880 plat. Zoning came along in 1975 and a lot of homes don't conform. 240 of those homes were built before we had running water, and kitchens were an outbuilding. They added bathrooms in spaces that were in a tiny cottage. The 21st century needs are that the resident wants to grow their space and when it gets into the 75% demolition rule, we've run into a couple of significant issues just this past year. Jobs got shut down or delayed due to the language and conflict in the rules. So, by doing the zero setback, we eliminate that conflict, and it allows us to better manage the situation, given the fact that they only have from the day after Labor Day to the day before Memorial Day to build their project. Mr. Switzer said that's why he is here tonight.

Ms. Dale said that's why we're looking at accessory buildings, understand that we get a number of BZA cases related to accessory buildings. So, we're starting those discussions on accessory buildings and potentially increasing the size based on the size of a lot instead of a blanket

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number. Because you could have an "R-3" property with seven acres and an "R-3" property with a quarter acre and they're limited to 1,200 square feet of accessory building space. It's not the intention of zoning to constantly be sending people through the red tape and to the Board of Zoning Appeals. If you're sending people to BZA all the time, then it's time to make an adjustment to the zoning resolution.

Mr. Switzer stated that Lakeside should have made the Business Overlay District 45 feet knowing the tower on the old hotel was at 46 feet. Hoover is already at 37 and probably going to grow to 45. There is no intention to build skyscrapers, just fit in with what they currently have. He also wanted to point out, as an example of always looking at your rules and changing them; that the 75% demolition rule three years ago wasn't square footage, it was replacement value. And today replacement value is three times what it would have been just three years ago.

Ms. Rozak asked the Board if they had any questions.

Mr. Hirt asked if they had their own enforcement and Mr. Switzer said yes.

Ms. Rozak then opened the hearing to the people in attendance beginning with the order in which the people signed in.

Mr. Jim Edwards, 222 Jasmine, Lakeside: As chairman of the Municipal Services Committee and Board of Trustees of Lakeside several years ago, we undertook a study to determine our ability to enforce the regulations that we have, the threats that existed to Lakeside and to its very existence as a result of challenges to these regulations. As a result of that report, and the attorneys that represented us, the Municipal Services Committee determined that it would be wise if we deposited those things related to zoning and the rest of those matters with Danbury Township. We wanted a consistent source of interpretation of the regulations, and we wanted the ability to adequately enforce the regulations that were on the books. You have a far greater capability of doing that than Lakeside and I'll leave it at that. I believe in Lakeside, yes, I love it. Does Lakeside enforce their regulations? Well, no. And the plain and simple fact of the matter is, as we turn things back to Lakeside, as much as I hate to say that we bifurcate the approvals, you may think that you're going to eliminate or lessen the conflicts, but I fear that you're going to increase the conflicts. And I fear that when we have a difference between a setback requirement by the Township and a setback requirement by Lakeside, and the Lakeside property owner chooses to follow you and his neighbor chooses to bring an action against him, those actions are going to be far more serious than what would come before the Board of Zoning Appeals. So, enforcement is a key concern of mine. I wish I could reduce your workload but at the same time, I fear for what could happen if we bifurcate these recollections number one.

Number two, I appreciate the difference in setbacks. My concern is that we'll have properties that will not have adequate distance between them through no fault of anyone here or perhaps through an owner or contractor that simply makes a mistake. I don't think anybody's going to put fire rated walls on the Lakeside cottages. With all due respect. So, the notion that we have to have fire access, the notion that we have to have safety, as you know, you're not novices, when it comes to zoning. Most zoning cases are lost because of loss of ventilation, loss of light or loss of viewing. As we bring these properties together, all of those potential conflicts are going to increase. Those people are going to be either before you or before court. And that's not what Lakeside needs, that's not what our property owners need and that's not what your Township residents need. So, with all due respect, I'm not certain that these regulation changes will in fact benefit anyone.

The parking issue is very simple. If we say we don't want that second car on the lot, where's it going to go? It's going to go in the right-of-way. It's going to be an SUV in the right-of-way, and nobody is going to see a young kid that comes out of a driveway. I see it every day. As we push those spaces out, then they should go to the school. They may go to Lakeside parking, even though we have to pay for that, but more than likely, they're going to appear in the right-of-way. And that's a safety issue I don't want to have any part of, as a Lakeside member. I don't want to expose myself to the potential litigation, or perish the thought, someone gets hurt. So, I'm not in favor of the change. I appreciate your consideration. I appreciate the opportunity to hear what I have to say. I appreciate all that you do. Ms. Rozak asked Mr. Dress and Mr. Hirt if they had any questions for Mr. Edwards; they had no questions.

Ms. Rozak asked Mr. Switzer, "Who is responsible for the enforcement that Mr. Edwards is talking about?"

Mr. Switzer stated that ultimately, the CEO, Mr. Greenhill. But the enforcement of the rules, in general, are far greater than just the building stuff. None of the changes will make any houses closer together. That will never occur. For example, the very last case we brought before the Township was a case where they extended the house 2 feet forward and it was still within the setback on their property, over the side of the house was seven- and three-quarter inches over the setback, but they wanted to keep it in line. So, we're talking about an issue where that house had 12-foot boards, 7 and a half inch wide. That is not an unusual example of all the setback issues that we deal with. The other

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thing I'd like to say, I've been on the board for two years, and then this position for five years. And then none of those years, as he'd been on the present MSC committee or on board. The current board charged me with these changes because they too, went through all of the same discussions in depth for two and a half years. To come to the conclusions, we came to.

What I didn't mention about parking is the additional lands we purchased on the south edge of Poplar; we bought five lots there. We have a total seven lots on Poplar, south of the fence. We own all of the land over to the post office that includes what's called Tower Street. But that's not a dedicated road, we actually own the land all the way to the edge of that property. That's in the Village of Marblehead, and those are expansion parking opportunities. At some point, the fence will be removed so people can park there at their leisure, no extra charge. We have a number of parking lots people can use today that are first come, first serve. I understand the issue of what's in the right-of-way. But the only time we're going to enforce one car on-site parking going forward, is going to be a new build or a modification significant enough to require it, which we'll then look at case by case. Now, a new build on new property, especially on Oak extension; those lots are 70 feet wide. They all have garages. There are only 14 or 15 other lots; there are 25 lots easily, but 10 are theoretically never going to be sold, at least not in the next 40 to 50 years. Somebody else will be before this council making other changes in that timeframe. So, at this point, the current board has made the decision to have me come forward with these changes because they have reviewed all of those same concerns already.

Ms. Dale asked for clarification that Mr. Switzer is talking about their, Lakeside's, Board of Trustees, but within that Board of Trustees, there is Design Review that looks at the aesthetics, external changes, and then MSC looks at deviations from their private restrictions?

Mr. Switzer said that was correct.

Ms. Rozak asked if any of this has been discussed or presented to the property owners of Lakeside.

Mr. Switzer said yes, LPOA. Not to the degree on the text amendment pieces, but on the overall changes to the rules. And I also had another session on the ninth, the next LPOA meeting, where I go over cottage inventory and rules changes, but it's not new to them. It's not in detail yet, but they're going to get copies soon. The board plans to make their changes, either by the August or November meeting.

Ms. Rozak asked if there have been any controversial comments with reference to it?

Mr. Switzer said no.

Ms. Rozak addressed Mr. Edwards. You said no one would be putting in fire rated walls in Lakeside, if it came to that, where they were so close together. I would just beg to differ on that because the building department would have the responsibility for a final occupancy permit as well as review of specific walls that would require the fire retardant.

Mr. Edwards stated he would expect this if we wouldn't go ahead with construction to change the design. The only enforcement piece Lakeside has is to revoke the gate pass, that is it.

Mr. Switzer said this was not true, just a few months ago we were going to rescind the lease onto a property. A lawyer drew up an agreement and sent it to them, revoking their lease onto the property unless they remedied the situation in 30 days. Meaning they would have to sell and not be allowed to come in.

Ms. Rozak asked Ms. Dale, as Zoning Inspector, what type of enforcement authority she would have if Lakeside did not enforce it.

Ms. Dale stated that if Danbury Zoning required a zero setback, Lakeside required 3 feet and property owner built to 2 feet, Ms. Dale would have no enforcement to tell the property owner they needed to go back to Lakeside. Lakeside would have to enforce it because their private restrictions are more restrictive than the zoning requirements. If they would be in violation of the zoning requirement that they have to follow, then yes, she would be in full authority over lot coverage, use, the building and height. Or a nonconforming structure that the 75% and 20% is going to be applicable and subject to, which would be a building that crosses property lines onto another property or into the road right-of-way, in other words, a negative setback.

Ms. Rozak offered as a word of caution that she had a conversation with Chief Kahler regarding height of buildings and he said they have a ladder truck capable of reaching 77 feet, but within Lakeside, an absolute minimum clearance to get that truck through the streets, is 20 feet, preferably more and recommended that Lakeside property owners be made aware of this.

Mr. Brown was called upon. He stated he did not wish to speak and had recused himself from the Coning Commission hearing.

Mr. Gillum and Mr. Clause were called upon and both indicated they did not wish to speak. Ms. Dale had nothing more to add.

RECORD OF PROCEEDINGS
DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

June 29, 20 22

Mr. Hirt and Mr. Dress had no further questions.

Ms. Rozak asked Mr. Hirt and Mr. Dress that regardless of how they will vote, if they were comfortable with all three text amendments as a whole. Mr. Hirt and Mr. Dress said yes. There being no further questions, Mr. Dress introduced the following resolution and moved for its adoption.

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on June 29, 2022 at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr./ Ms. John Paul Dress introduced the following resolution and moved its adoption:

RESOLUTION NO. 21 - 2022

- 2) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 3) That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. HIRT seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak Yes Mr. ~~Dress~~ Yes Mr. Hirt Yes

ADOPTED this 29th day of JUNE, 2022.

Attest:
Carolyn Adams
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne Rozak
Dianne Rozak

John Paul Dress
John Paul Dress

David Hirt
David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 29th day of JUNE, 2022 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams
Carolyn Adams
Danbury Township Fiscal Officer

RECORD OF PROCEEDINGS
DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held June 29, 20 22

- 2) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 3) That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. HIRT seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak Yes Mr. ~~Seast~~ Dress Yes Mr. Hirt Yes

ADOPTED this 29th day of JUNE, 2022.

Attest:

Carolyn Adams
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne Rozak
Dianne Rozak

John Paul Dress
John Paul Dress

David Hirt
David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 29th day of JUNE, 2022 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams
Carolyn Adams
Danbury Township Fiscal Officer

Ms. Dale stated the text will officially be amended in thirty days for zoning.

Ms. Dale requested clarification on Resolution 09-2022; the property at 1070 Englebeck Road. The July 1st, 2022 deadline has not been met and she would like to know the Boards direction for the next step. The Board requested he comes to the July 13th meeting to address this issue.

Adjourn

There being no further business before the Board, Mr. Hirt motioned and Mr. Dress seconded, to adjourn at 7:15 pm. All ayes, motion carried.

Carolyn Adams
Fiscal Officer

David Hirt

John Paul Dress

Danbury Township Board of Trustees