

RECORD OF PROCEEDINGS
DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

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

Held _____ **January 11,** _____ 20 **23** _____

The Special Meeting of the Danbury Township Board of Trustees was held at the Fire Station meeting room on January 11, 2023, and was called to order at 5:45 pm by Trustee Dianne Rozak.

Roll call: Trustee Rozak, Trustee Dress and Trustee Hirt were present. Fiscal Officer, Carolyn Adams, Fiscal Officer Assistant, Lynne James, Zoning Inspector, Kathryn Dale and Asst. Fire Chief Tim Almendinger were also present. Visitors in attendance were Andy Schlotterer and Paulette Tommer.

Ms. Rozak announced the opening of a public hearing for the following:

Public Hearing
ZC-2022-270

Map Amendment: Map Amendment from "A" Agricultural to "C-2" General Commercial
for an 80' x 138" (11,040 s.f.) area of a 4.591 ac. parcel that is part of Lot 4, Section 4.
PIN# 0141164115578008 located at 280 S. Bridge Road (rear).
Andy Schlotterer, MAWL Properties, LLC is the Owner / Applicant.

Mr. Dress motioned for the opening of the above public hearing; Mr. Hirt seconded, all ayes and motion carried.

Ms. Rozak turned the meeting over to Ms. Dale.

Ms. Dale gave the following staff report regarding the above Case:

The applicant is requesting to rezone an eight foot by 138 foot area of a 4.591 acre parcel from "A" agricultural to "C-2" general commercial. The applicant purchased the property in addition to another 4.233 acre parcel in 2021 from the township. Both lots they purchased are heavily wooded and directly to the west of their primary parcel better known for their business which is Bayside Comfort. They are looking to expand the business. While they have nearly 255 feet of space in front of their current building to accommodate a new structure, they prefer to have a new building at the rear of their existing operations. They are proposing to rezone only a small portion for the sole purpose of accommodating this new structure. If the rezoning is successful for building code purposes and property tax reasons, the property owner will likely need to work with the Ottawa County Regional Planning Office to eventually split and combine this area with the 280 S. Bridge primary parcel. According to our zoning resolution, section 5.1.6; no lot shall hereafter be reduced or divided so as to provide less than the minimum lot size required in the district in which the land is situated. Contiguous lots held under single ownership may be considered to be one lot for the purpose of these regulations, unless said lots are part of a recorded subdivision.

For zoning purposes, the applicant is not required to consolidate this area they are rezoning with the front parcel, the main business parcel. However, they are required to do that for building code purposes, because this building will be too close to or cross over the common property line between the 2 parcels. Surrounding zoning to the North is "C-2" General Commercial - commercial storage and farmland, to the East is "C-2" General Commercial - commercial storage and the Marblehead Bank. To the South there is property zoned "C-2" General Commercial – and "A" Agricultural; primarily the dog park, wooded agricultural property, single family homes and farmland. To the West, property zoned RC – Recreational Commercial and "A" Agricultural which is wood acreage they own and beyond that further to the West is Right Way Marine.

The Land Use Plan that was updated and adopted in 2017, identified at that time, the subject property as park and conservation; in part because the property was owned by The Township when the plan was adopted. However, looking at the goal section of economic development, part of the Land Use Plan states that one of the goals as the Township was to promote diverse businesses, attract residents, local services and year-round full time employment opportunities. This is further supported in the objectives and strategies of that Land Use Plan which details the policy and direction the Township intended when they implemented the goals. Specifically, there is an objective of the plan to improve economic opportunities for residents with strategies of attracting year-round businesses that can offer

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full time, diversified employment sectors. Another objective states we should retain and expand existing businesses by supporting the existing businesses looking to expand in their same general vicinity instead of elsewhere.

Ms. Dale had requested the Trustees review that Land Use Plan prior to tonight's meeting.

AGENCY REVIEWS:

Ottawa Co Regional Planning Commission was forwarded this application on October 28th and they held their hearing on November 22nd. Their decision recommended approval and that letter is enclosed in the Trustees packets this evening.

The Danbury Township Zoning Commission held their public hearing on December 7th and they recommended, 4 to 0, **Approval as Presented** to the Board of Trustees. Citing that Decision Standard "b" was satisfied. Decision Standard "b" states the proposed amendment will make the map conform more closely with the Land Use Plan.

Ms. Rozak asked for comments from anyone in attendance starting with the applicant.

Mr. Schlotterer, 2805 S Bridge Rd., stated that as they have grown to a point that they have had to rent off-site warehouses to hold equipment and the logistics of day-to-day operations and keeping track of inventory has become challenging. Working with the designer of their property, they recommend building at the back of the property to retain business visibility. In order to make this building the 12,000 plus sq. feet that is needed, to have semi-truck delivery space between the existing building and the new building, Mr. Schlotterer is requesting the rezoning of 80 feet in order to comply with rear setbacks and have flexibility in placing the new building. In regards to bringing jobs to the area, the company has been growing by about 3 to 5 people a year and they are looking at possibly adding 10 more in the next year.

Ms. Rozak asked if there were any other questions.

Ms. Paulette Tommer, 5140 E Harbor Rd., said her concern is how close his building was going to be to the wooded area that she values. There are deer and other creatures in this wooded habitat and she is trying to keep it pristine. How close is the building going to be set back from his existing building, that's going to butt up against the rear of my property?

Ms. Rozak asked Ms. Tommer if she had a chance to see the layout map Mr. Schlotterer presented and Ms. Tommer confirmed she had seen the map of the properties.

Ms. Tommer also asked if delivery trucks will be turning around behind the new building.

Mr. Schlotterer confirmed that the trucking will be between the two buildings and not behind the new building.

Ms. Rozak thanked Ms. Tommer for coming to the hearing.

Ms. Dale said she would just comment to reassure Ms. Tommer, the majority of the woods is going to remain. He's talking about less than a quarter acre. He has to draw property lines further back into the woods because of setback requirements, that building has to stay so far off of that property line. But for the majority part, that 10 acres of woods will remain intact and not be cleared. That is our understanding.

Mr. Schlotterer agreed with Ms. Dale one hundred percent.

Ms. Rozak asked if there were any other comments. There being no further comments, Ms. Rozak moved to close the public hearing. Mr. Hirt seconded, all ayes and hearing was closed.

Ms. Dale presented Resolution 01-2023. Ms. Rozak asked the Board if they had any questions; there were none. The Board having no further questions passed the following Resolution:

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January 11,

20 23

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 5:45 p.m., on January 11, 2023, at the Danbury Township Hall, 5972 E. Harbor 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. 01 - 2023

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, Andy Schlotterer, MAWL Properties, LLC, Owner of property at 280 S. Bridge Road (Rear), Part of Lot 4, Section 4, PIN# 0141164115578008 filed Case No. ZC-2022-270 requesting a Map Amendment from "A" Agricultural to "C-2" General Commercial for an 80' x 138' (11,040s.f.) area of a 4.591ac. parcel; and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on November 15, 2022, and recommended unanimous approval of the proposed map amendment; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on December 7, 2022 and by motion and vote recommended 4-0 approval of the proposed map amendment as presented; and

WHEREAS, on January 11, 2023, 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 this portion of property be subject to the regulations of Article 3 ("C-2" General 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

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- 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 11th day of January, 2023.

Attest:

Carolyn Adams
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio

Diane Rozak
Diane 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 11th day of January, 2023 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams
Carolyn Adams
Danbury Township Fiscal Officer

Ms. Dale stated to Mr. Schlotterer that 30 days from tonight, if there's no petition filed, to try to appeal or overturn the decision, the paperwork gets recorded and it becomes effective in 30 days. 30 days from now, if drawings are in place, he can apply for permits to start building.

Adjourn

Ms. Rozak thanked everyone for attending and there being no further business before the Board regarding this special meeting, Mr. Hirt motioned and Ms. Rozak seconded, to adjourn at 6:05 pm. All ayes, motion carried.

Carolyn Adams Diane Rozak
Fiscal Officer

John Paul Dress
Danbury Township Board of Trustees