

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held

December 20, 2023

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:00p.m. by the Chair, Loretta Grentzer at the Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Loretta Grentzer, Vice-Chair, Clyde Shetler, Member, Ms. Lisa Bauer, Alternate, Mr. Greg Huffman and Alternate, Mr. Joseph Kruse. Members, Mr. Joseph Fetzer and Ms. Sherry Roberts, were excused. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Renee & Patrick Rancour, Cindy Brundage, Sam & Sara Downing, Sonja Kristensen, Paul Gerrard, Josh Terry, Julie Cottingham, and Peter Corrado.

Ms. Dale read the rules of order for the meeting proceedings. The Chair asked Ms. Dale if all the documents relating to the cases had been received and were in proper order. She indicated that they were. The Chair swore in Ms. Dale.

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

Adjudication Hearing
Case BZA #2023-287
272 Perryview
Rancour

Request for an Area Variance from Section 5.5.7 to allow for 120' of 5' high fencing to be replaced with 6' high fencing in the front yard, where 5' is the maximum height permitted.

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

The Chair asked Ms. Dale to give an overview of this application. Ms. Dale said the applicant is proposing to replace 120' of the existing 5' high, shadowbox wood fencing that is located in the front-yard with 6' high shadowbox, wood fencing, where 5' high is the maximum height permitted. The fence to be replaced has no effect on the Clear Vision triangle requirements of the zoning resolution. The property owner currently has bushes and arborvitae that are taller than the proposed 6' high fence and those pose no vision issues either for traffic pulling out of Perryview onto Northshore Blvd. 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. There were none.

Patrick & Renee Rancour, Owners, 272 Perryview, Marblehead, Ohio, were both called upon and sworn in. Ms. Rancour 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 asked her to proceed with her testimony.

Mr. Rancour said, the fence is 5' high and the road is elevated by about 3, which makes our fence like 2' high. When you're driving by, it's like you're in the backyard. We just want a little bit more privacy. It gets a bit loud in the summertime when cars are going by. We have a pool right there and we just want to make sure stones or other things don't fly off from cars going by as well and hit someone around the pool. The cars are going by pretty fast.

Ms. Grentzer asked why they want to change the fence now. Mr. Rancour responded that the fence needs to be changed. At this point, we're looking to go from 5' to 6' because the boards at 5' would be a custom cut and another foot didn't seem like it was that big of a deal. At 6' it would be matching the fence around the sides and back as well. Ms. Grentzer said, you said the fence has to be changed – why? Mr. Rancour said it's falling apart. Ms. Grentzer said, okay. Thank you.

The Chair asked if the Board Members had any questions. There were none. Ms. Dale asked if Mrs. Rancour wished to add anything. She said no.

The Chair asked if there was anyone with standing present who wanted to testify. There was none.

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

Mr. Huffman motioned to recess into executive session to deliberate the merits of the case. Mr. Kruse seconded the motion, and the roll call vote was as follows: Mr. Huffman– yes; Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – yes. The motion carried and the Board recessed at 6:13p.m.

Mr. Shetler moved, and Ms. Bauer seconded the motion to reconvene. The roll call vote was as follows: Mr. Huffman– yes; Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – yes. The Board reconvened at 6:23p.m.

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The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2023-287:

With regard to BZA-2023-287 being a request for Area Variance from Section 5.5.7 to allow for 120' of 5' high fencing to be replaced with 6' high fencing in the front yard, where 5' is the maximum height permitted for the property located at 272 Perryview:

- 1. The property in question will yield a reasonable return and can be used beneficially without the variance because the property can continue to be used for a single-family home and is permitted to have fencing.
- 2. The request is not substantial because the proposed fence will be 1-foot or 12-inches higher than the fence that is currently on the property in the same location.
- 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 because the proposed fence will be of similar material and location as the existing fence.
- 4. There is no indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing.
- 5. The applicant states they were not aware of the zoning restrictions, at the time they purchased the property in 2014.
- 6. The property owner's predicament can feasibly be obviated through some method other than a variance by cutting the fence down to meet the 5' requirement.
- 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 on adjoining properties.
- 8. Other relevant factors considered is that the roadway sits considerably higher than the natural grade where the fence will be placed.

Mr. Huffman 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) (8) 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: Mr. Shetler. Roll Call Vote was as follows: Mr. Huffman– yes; Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – 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 17, 2024.

Adjudication Hearing
Case BZA #2023-289
2389 Knobhill
Huffman/ Brundage

Request for an Area Variance from Sec. 5.2.1.A.i.b to allow more cumulative accessory building square footage than permitted (1,728s.f. proposed/1,200s.f. allowed).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. Ms. Dale explained that occasionally there comes a time when a Board Member needs to request a variance, and this is one of those times. Ms. Dale said the record will show that Mr. Huffman is recused from his own request because he obviously cannot vote on his own case. Ms. Dale explained that there were only 4 members now present to hear the case and that if it resulted in a tie vote, then the case would be rescheduled and re-heard next month, assuming there would then be a full Board present. There were no other abstentions. Mr. Kruse moved, and Mr. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked Ms. Dale to give an overview of this application. Ms. Dale said the applicant intends to tear down the existing 20' x 25' carport on the property and replace it with a new 36' x 48' (1,728s.f.) pole barn where 1,200s.f. is the maximum cumulative square footage allowed. According to Section 5.2.1.E of the zoning resolution, an accessory structure is allowed to be on a lot separate from

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the house provided the house lot and accessory building lot are within 50’ of each other. The applicant’s house is right across the street at 2378 Knobhill. All other zoning requirements related to setbacks, lot coverage and building height are met. 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. There were none.

Greg Huffman & Cindy Brundage, Owners, 2378 Knobhill, Marblehead, Ohio, were both called upon and sworn in. Mr. Huffman 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 asked them to proceed with their testimony.

Ms. Brundage said, I’ve been loving Knobhill Drive since 1978, and speaking about love, 12 years ago, I met the love of my life, Greg. Since then, my life has never been the same. Some laughter ensued & Ms. Brundage joked that he made her say that. Ms. Brundage continued and said, we were blessed this past summer to be able to purchase a vacant lot across the street from our home. We now not only wish, but we need to make some improvements. This includes removing the existing carport and accessory building. Ms. Dale’s report seemed to cover what we are requesting. It was very accurate and fair, in my opinion. We need this building, and the purpose of it is to store and protect items we have. We have 2 cars, 4 jet skis, 2 antique vehicles, a 1948 Chevy Thrift Master and a 1999 Harley Davidson motorcycle. Those items need to be kept inside along with other items like lawn tractors and other miscellaneous things. If you grant us this opportunity, we plan to build a nice and attractive accessory building.

Mr. Huffman said he just wanted to add that the accessory building would be in the northeast corner of the lot. The closest house would be 90’ away to the south. To the north, it’ll be over 260’ away from the road. There are 4 accessory buildings in the immediate area in which 2 exceed the 1,200s.f. He said he thought those structures were about 40’ x 60’. The variance would not affect any government services. We looked at this thing in about 9 different ways. Ms. Dale was kind enough to give us an aerial view of the lot and showed us that if we turned it 90 degrees, it would give us ample room for our house. That is our long-term plan, to build a ranch home. Currently, we are in a 2-story home. Everything that we need is upstairs. Lastly, we feel the adjoining properties, the accessory building will actually enhance the neighborhood and have pleasing aesthetics. We will do a nice job building this structure. Thank you.

The Chair asked if there were any questions for the applicant from the Board. There were none.

The Chair asked if there was anyone with standing present who wanted to testify. There was none.

Ms. Grentzer asked where they store all these items now, they mentioned, the cars, jet skis, etc. Mr. Huffman said in the carport, and then in the next lot over, another carport and the truck is in a neighbor’s garage. We’d like to stop borrowing neighbors garage space. Ms. Grentzer said, so put it all in one garage. Mr. Huffman said correct and then build a house eventually and relocate across the street.

The Chair asked if there were any questions for the applicant from the Board. There were none.

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

Mr. Kruse motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion, and the roll call vote was as follows: Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – yes. The motion carried and the Board recessed at 6:39 p.m.

Ms. Bauer moved, and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – yes. The Board reconvened at 6:47p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2023-289:

With regard to BZA-2023-289 being a request for Area Variance from Section 5.2.1.A.i.b to allow more cumulative accessory building square footage than permitted (1,728s.f. proposed/1,200s.f. allowed) for the property located at 2389 Knobhill:

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 or an accessory structure. The zoning resolution is not denying the owner reasonable use of the property.
2. The request **is not** substantial because all the setbacks, building height and lot coverage will be more than satisfied and there is still ample room to be able to attach onto this structure a residence, which would then make this variance null-in-void.
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

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the variance because the building will be residential in character. Additionally, it is a considerable distance from any residential home and will not be as tall as some of the single-family homes on the street.

- 4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing, and any utility extensions or upgrades will require approval from the appropriate County agencies.
- 5. The applicant states they were aware of the zoning restrictions at the time they purchased the property in August 2023.
- 6. The property owner’s predicament **can** feasibly be obviated through some method other than a variance since this is new construction and they could build a structure that meets the size requirement.
- 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 on adjoining properties.

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: Mr. Shetler. Roll Call Vote was as follows: Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – yes. Vote 4-0 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 17, 2024.

Adjudication Hearing
Case BZA #2023-291
0 S. Bridge (PIN# 0140467606665051)
Downing/ Isenberg

Request for a Conditional Use in accordance with Section 3.4 and Section 4.15 for 16 cabins and 67 campsite Recreational Camp/Campground. Also requesting Area Variances from Section 4.15.2.C to allow 10 cabin sites and 10 campsites to encroach into the required 45’ south, side-yard setback and 60’ east, rear-yard setback and Section 4.15.2.F to reduce the amount of open space (2.5ac. required/ 2 ac. provided).

Ms. Dale announced that the record will show that Mr. Huffman will be reseated for this hearing. The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There was none. Ms. Roberts moved, and Mr. Huffman seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked Ms. Dale to give an overview of this application. Ms. Dale said the applicant purchased the property in October of this year, which was previously associated with 319 S. Bridge where there is a single storage building to the south of this property that was at one time used for a vending machine business. The property was split to place the storage building on its own lot with some additional land and then the remaining 11.7796 ac. (11.8) was sold to the current applicant/owner.

Prior to the purchase of the property, the current Agent, Mr. Downing, worked with the former owner to rezone the back part of the property in Case# ZC-2023-074 from “R-3” High Density Residential to “R-C” Recreational Commercial. The front 1.549ac. (1.6ac.) was already zoned “C-2” General Commercial and did not change in the rezoning request. There are admittedly some discrepancies in the acreage that was rezoned, which was based on information and surveys available when that application was made, but the intent of what was rezoned is clear and for sure includes the min. 10 ac. needed for this Recreational Camp application.

During the rezoning process, Mr. Downing stated that his intentions were to build a resort on the property with permanent foundation cabins for lodging, for people to stay, including a mix of camping spots. He shared during those hearings that he has run for the last 6 years a fishing charter business, and they were buying a small yacht to run island tours on the lake. He also indicated that the

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front part of the property will remain commercial with retail, and he will be building his home on the property as well.

This application is requesting a Recreational Camp designation with 16 cabins and 67 campsites for RV's. While a Recreational Camp is technically transient, the campsites will be operated and marketed as seasonal, meaning someone moves their camper in for the whole season, not just a weekend and the cabins will be more transient in nature with different people in them all season long. The rendered drawing in your packets shows in pink the portion of the property that is zoned "C-2" General Commercial, which is not subject to any of the Board's review under this application. The cabin sites are shown in brown and the RV campsites in yellow. The green area highlights the open space they are providing, in addition to the setback & buffer requirements and there is a shelter house and bathhouse proposed centrally on the property. More details about variance requests (identified with black, bubble circles) and the Recreational Camp requirements are listed below.

SURROUNDING ZONING:

North: "C-2" General Commercial & "R-3" High Density Residential	Marblehead Bank
East: "R-3" High Density Residential	Breezy Acres MHP
South: "A" Agricultural & "C-2" General Commercial	OC Wastewater Treatment Plant
West: "C-2" General Commercial	Boytim Fish Cleaning & Boat Storage
	Danbury Dog Park & Bayside Comfort

ZONING CODE REQUIREMENTS:

Section 4.15 Use Standards for Recreational Camp:

2. Camp Requirements: All camps shall meet the following requirements:

- A. Size - Minimum of 10 acres.
 - This requirement is satisfied. The property as a whole consists of 11.7796 acres. 1.6 acres is zoned "C-2" General Commercial and 10 acres is zoned "R-C" Recreational Commercial, which is where the Recreational Camp is proposed. The remaining portion of 0.2478 acres (0.25ac.) is road right-of-way.
- B. Width and Depth - Minimum width of 200 feet; ratio of width to depth shall not exceed one to five (1:5).
 - This is a pre-existing lot and meets the requirement.
- C. Yard - Minimum required front yard of 70 feet; minimum required side yards of 45 feet each side; minimum required rear yard of 60 feet. If either side yard abuts a public or private right-of-way, the minimum required yard shall be 55 feet. The first 20 feet of each required yard setback shall be composed of a green planting strip (buffer zone).
 - 70' Front-Yard Setback: Since the Recreational Camp is not proposed along the road frontage, there really is not a front-yard setback requirement. The "C-2" General Commercial part of the property is approximately 260' – 300' deep.
 - 45' Side-Yard Setbacks: All the campsites meet this requirement from the north, side property line. On the rendered drawing each of the black, bubble circles show the 10 cabin sites and 9 RV camper sites that encroach into the south, side-yard setback. The units themselves won't necessarily encroach into the setback, but the 30' x 40' (1,200s.f.) min. site area reserved for each of those units will. Some of that may depend on the size of the unit brought in and its bump-outs, specifically on the campsites. Out of an abundance of caution, in the event that a larger camper is placed on one of these sites, staff has recommended that the applicant request a variance for these 9 campsites.
 - 60' Rear-Yard Setback: With the exception of 1 campsite, this requirement is satisfied. Much like the side yard setback aforementioned, the camper unit is identified as meeting the requirement, but the site boundaries for that unit encroaches into the east, rear-yard setback.
 - The 20' buffer requirement around the perimeter of the property is satisfied.
- D. Access - Shall be provided into the camp with a minimum right-of-way of 50 feet. Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals.
 - The applicant shows the drive apron off S. Bridge Road/ SR 269 as being 75' wide, but the drive 35' wide. A variance has not been listed from this section

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for a couple of reasons. The first is primarily because ODOT has full jurisdiction over the access to the property and what is required/ allowed. Secondly, the property will be sharing access for both the commercial retail and the proposed Recreational Camp, which is technically on the “C-2” portion of the property. Based on subsection E. below, the drive can taper down to 20’ wide once on the property and out of the road right-of-way. At the point of where you would enter the Recreational Camp, the access will be one-way in and one-way out, each with 20’ lanes, or 40’ total. It is staff’s opinion that it is not the intent of the zoning resolution to require a 50’ wide drive all the way to the point of entry of a campground.

- E. *Streets - Shall have a minimum right-of-way of 20 feet; all streets shall be all-weather roads. Streets may be placed within the yard setback but not within the buffer zone.*
 - This requirement is satisfied. As in the past with other new campgrounds, the Fire Chief requests that “No Parking” signs be posted along the internal roads in accordance with Ohio Administrative Code (OAC) 1301: 503.2.1(a) & 503.2.3(c).

- F. *Recreation and Open Space – 25 percent of the gross camp area shall be reserved for such uses excluding yards, campsites, buffer zones, submerged lands, and streets.*
 - A variance is being requested on this requirement. A total of 2.5 acres is required and the applicants are proposing 2.0 acres (20%) or a half-acre reduction. They would have this requirement satisfied if the buffer zone and setbacks were allowed to be part of the calculation.
 - The applicant is showing a 40’ x 80’ (3,200s.f.) pavilion and 25’ x 45’ (1,125s.f.) bathhouse in the open space area. According to the definition of the zoning resolution for open space, communal items for the entire development, such a swimming pools, tennis court, and recreational facilities are permitted.

- 3. *Site Requirements: Individual sites within the camp shall meet the following requirements*
 - A. *Site Area - Minimum of 1,200 square feet per site.*
 - This requirement is satisfied. According to the “Typical RV Site Layouts” at the bottom of the site plan sheet, the smallest RV site will be an average of 30’ x 51’ (1,530s.f.).
 - B. *Site Width - Minimum of 30 feet and should front on road.*
 - Each campsite is shown with a min. of 30’ in width and meets this requirement.
 - C. *Site Setbacks - Minimum of 8 feet on all boundaries for all trailers, tents, etc.*
 - Based on the typical site details this requirement is met and they show they are planning to fit up to an 8’ x 36’ camper or park model on each campsite.
 - D. *Corner Markers - All 4 corners of each site shall be appropriately marked as approved by the Board of Zoning Appeals.*
- 4. *Camp Utilities and Services Such improvements shall be provided as required by the Ohio Administrative Code 3701-25-51 to 3701-25-75 as amended.*
- 5. *Supplementary Regulations: Accessory Buildings and Uses - Such uses which are appropriate to the operation of a camp may be permitted within the conditional use procedure of review by the Board of Zoning Appeals*
 - It is unknown if the applicant intends to allow long-term seasonal patrons to install any sheds or other ancillary items to their campsite such as decks or awnings. If sheds are going to be allowed by the park management, then those will have to be placed on the individual campsite and cannot be placed in the setbacks, buffer or open space areas.

Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

Ms. Grentzer clarified that the property in question is in an east/west direction. Ms. Dale said yes. Ms. Grentzer said, then the properties to the north and south are commercial also. Ms. Dale said correct. Ms. Grentzer asked if they are being used commercially now. Ms. Dale said yes. Ms. Grentzer asked if the property to the west, or in the back, is also commercial. Ms. Dale corrected that the property

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to the back would be east and that is where the Breezy Acres MHP is located. Ms. Grentzer said then west would be SR 269. Ms. Dale said yes. Ms. Bauer stated that where Breezy Acres is, there is nothing there though, that is a vacant area of their property. Ms. Dale said yes, undeveloped. Ms. Grentzer asked where it is undeveloped. Ms. Dale said that Breezy Acres goes from SR 163 to the southern property line of this property. Ms. Dale said she didn't think she included the aerial photos in their packets, but where this property backs up to Breezy Acres, that part of Breezy Acres is undeveloped. It's open and there are no manufactured homes abutting this property. Ms. Grentzer said but potentially in the future there could be. Ms. Bauer said it's been this way for a long time. Ms. Dale said, to answer Ms. Grentzer said she supposed there could be a possibility, you can't ever say never, but Breezy Acres would have their own set of procedures they would have to go through to make that a reality.

Ms. Grentzer asked, the circles on the site plan that are facing south, are showing where the setback is not being met. Ms. Dale conferred and said they meet the buffer requirement, but not the setback. Ms. Grentzer asked by how much. Ms. Dale said she was uncertain because the plans didn't provide the measurement, but the applicant may know when they testify.

Sam Downing, Agent, 8591 Norwegian Wood Lane, Brighton, Michigan was called upon and sworn in. Mr. Downing reviewed the paperwork and stated it was as they had submitted. The Chair asked if there were any additional documents that he wished to enter into the record. There was none. The Chair asked him to proceed with his testimony.

Mr. Downing said, I chose this piece of property because of its location, and what I was going to do with the property. Knowing that not having connections to residential homes, the whole way around the property can be problematic for a campground. We found that out going through our other zoning meeting. There can be complaints about that when people live adjacent. No one really lives adjacent to this property at all. So it seemed like a good fit for what we want to do and that's why I chose this property. It also met the land requirements necessary. There is enough land for me to do what I was trying to accomplish. So that was the selection process.

I guess the way the engineers or myself and our attorney have read the codes, we didn't think any of the variances were needed at all on the south side of the property because the code clearly states that setbacks are to a building, not to a side-yard. We have clearly shown that all of the structure, which would be campers in this case, or cabins, which will all have foundations, are inside of those setbacks. There is just a small piece of side-yard that will stick out, I'm going to say approximately 4' for those 9-10 RV sites and for the cabins, I'm going to say that's about 6'. Please also take into consideration that all of these sites are larger than they need to be. We can shorten them all up and we can make them all smaller, but all we'd be doing is displacing it and it made a lot more sense to give each cabin a little bit more space instead of cramming them all up. Inside of each site there is open space because each of the sites is a little larger than what the zoning code requires. If that's the route we need to go for some reason, then all we have to do is remove the corners as shown and maybe make the sites a little shorter, but we wouldn't lose any sites.

All of the sites will have a concrete pad and there will be no gravel. The roads will also be paved. There will be no building of decks because they will have a paved patio that will be part of their site. They will not be allowed to construct anything on the property. They will be allowed to have their RV and one Rubbermaid shed that everyone – we will designate the model and they will have to be exactly the same and be placed in the same spot as all the other sites. None of those will be allowed to be in the setbacks and we will make certain of that. We will provide a map showing where items can be placed.

There are ADA cabins available. We have tried to account for the disabled community and the bathhouse will also have ADA bathrooms available. So, everything should meet the requirements for the entire community. I definitely have people that come for a fishing charter; I've run my business for 6 years from Michigan, but I have clients who need those accommodations. I've built my business to be pretty substantial and my son is joining my business this year, he's becoming a Captain. I have customers that come from all over the country here to this location to fish. That is really the intent of this, which is to continue to grow my business.

The front part of the property, which you aren't reviewing right now, but my house will sit on the north side of the front area of the property that is zoned commercial. The south side of that commercial portion of the property will be a fish cleaning, bait and tackle store, there will be an ice cream parlor facing the road; it's going to be a pretty good-sized building. About 120' long. All the buildings that will be built in here, as you can see from the pictures I included, will all be made by the same manufacturer, and they'll all have a very consistent look. They will all be engineered log structures. The cabins will have full bathrooms and every campsite will be full-hookup sites. So there will be sewer and water at every single site and electricity. As Ms. Dale indicated in the report, these will be seasonal campsites. We're not looking at the transient community with people coming and

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going. I really don't want to have to manage that. This will be for folks to come up here as their summer cabin so to speak. I'm happy to answer any questions.

The Chair asked if there were any questions for the applicant from the Board.

Ms. Bauer said as far as the campers are concerned, are there going to be any restrictions? Mr. Downing said there will be for age. They're not going to be allowed to have a camper that is over 12 years old. Ms. Bauer asked if there would be any restriction on size. Mr. Downing said they have sites that will accommodate anything made. On the north side of the property those will be for smaller campers, with maybe bump outs and then for the 5th wheels, those would be in the center and the one's that you drive will be partially in the center and on the south side of the property. But overall, they should be able to accommodate 40-footers with no problem.

Mr. Kruse asked about parking. Mr. Downing said that there is going to be a huge parking lot in the front, which they are not seeing since it's in the C-2 portion of the property by the commercial building. I think there will be 14 angled parking spaces up there for both a trailer and truck or a truck and camper to park while they check in. Being angled allows them to then pull through. We wanted to eliminate pulling in and backing out maneuvers as much as possible.

Mr. Shetler asked if the encroachments are reflecting the concrete pads. Mr. Downing said no, the encroachment is just the side setback required for each campsite. All the concrete pads and structures will be inside and will not be past the setback. Ms. Dale referred to the zoning code which states that each campsite is required to have an 8' setback. Mr. Shetler clarified then and said the lines just showing the boundary of that individual campsite. Mr. Downing said correct. He said, we made sure all the pads and foundations for the cabins were inside the setbacks. Nothing structurally will protrude into the setbacks. The site to the west that is listed for a variance, I actually didn't catch that and it probably shouldn't even be shown because we could just remove that boundary.

Ms. Bauer said she realizes her next question really has nothing to do with their decision, but she was interested in what they have planned for landscaping. Mr. Downing said the whole north border and the west border will be lined with pine trees. The whole south border already has a complete row of trees. There is a big ditch that runs back there and there are trees on both sides of it. So it's already like a wooded area and there is nothing that needs to be built there. There is already complete separation from the rest of the property and there is a fence. Some of the fence probably belongs to Ottawa County's Treatment Plant, but it's very thick. In between each campsite we're going to put arborvitae between each to create some privacy for each campsite. We intend for this to be a little more upscale than a typical campground. Ms. Bauer said she thought that would be nice since it's on such a busy road.

Mr. Downing said he agreed but that the commercial building they plan to construct will be a large log structure with cathedral ceilings and a front porch. It's going to be quite beautiful. Ms. Bauer said she would just like this to look nice as people exit off the freeway and come into the area. Mr. Downing said that is their wish also and they've spent a lot of time putting this altogether. He said that's how he runs his business, his charter and they have new equipment that they want to keep looking new. That's how I run my business. Mr. Downing repeated where his home will be located, but added that it will overlook the retention pond and he will have a storage building to store his own personal boats in.

The Chair asked if there were any further questions for the applicant from the Board. There were none.

The Chair asked if there was anyone with standing present who wanted to testify.

Sonja Kristensen, 5754 E. Harbor Road, Marblehead was called upon and she indicated that she did not wish to speak.

Paul Gerrard, 11250 E. Bayshore Road, Marblehead, Owner of 319 S. Bridge Road was called upon and sworn-in. Mr. Gerrard said he just wanted to confirm that he is the property owner to the south. He said he has been working with Sam on this deal and he appreciates what he's going to do. Mr. Gerrard said he has no problems with the variances because that's along a lot of my property that abuts where those variances are. I have no problem whatsoever and I just wanted to state that.

The Chair asked if there were any questions. There were none.

Josh Terry, 5161 E. Baypoint Circle, Port Clinton, Owner of 239 S. Bridge Road was called upon and sworn-in. Mr. Terry said he is the largest property adjoining to the north. He said his concerns are about landscaping and water issues that they already have that come off this property now. Mr. terry said he just wanted to verify that Mr. Downing is going to be directing water in the correct directions. Mr. Terry asked if Ms. Dale could bring up the aerial photo of the property. After looking at the packet and what was being presented, Ms. Dale confirmed that the aerial imagery was not included in the packet and the aerial he wanted must have been provided to him by someone else or he saw it somewhere else. Ms. Dale said she does not have access in this room to pull up the County Auditor's

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website. Ms. Dale said what was included in the packet was a survey of the property that shows surrounding properties and asked if that would be sufficient for what he wants to discuss. Mr. Terry said, well basically when it rains, there is a large amount of water that runs off and he just wanted to clarify how that is going to be directed. He hopes it will be better and safer and not running off onto his property anymore than it already does.

Ms. Bauer asked if he's saying this development is going to make it better for him. Mr. Terry said he's not sure, that's why I'm here to find out. Ms. Dale said, okay, so she's going to direct the question to Mr. Downing, that Mr. Terry has concerns about drainage and would like Mr. Downing to address how he plans to address drainage and runoff, specifically along the north side of the property.

Mr. Downing said addressing drainage is part of the requirements for the State permits. He has begun preparing a drainage plan that has been engineered. The engineers are working on that now. They did a complete topographical of the property and know where all the highs and lows are. There is going to be a retention pond, you can see on the drawing, its going to catch the water Mr. Terry is referring to. We're going to have to build it up some so that it can drain back to the drainage ditch on the south side. Some back and forth between Mr. Downing and Mr. Terry that was inaudible. Mr. Downing said they have to address this and the EPA has to approve it. There are a couple of approval processes that will force us to address this.

The Chair asked if there were any questions. There were none. The Chair asked if there was anyone else with standing. There was none.

Mr. Shetler made a motion to close the public comment segment of the hearing, seconded by Mr. Kruse. 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. Huffman- yes; Mr. Kruse - yes; Ms. Bauer - yes; Mr. Shetler - yes; Ms. Grentzer - yes. The motion carried and the Board recessed at 7:41 p.m.

Mr. Kruse moved, and Ms. Bauer seconded the motion to reconvene. The roll call vote was as follows: Mr. Huffman- yes; Mr. Kruse - yes; Ms. Bauer - yes; Mr. Shetler - yes; Ms. Grentzer - yes. The Board reconvened at 8:14p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2023-291:

With regard to Case #BZA-2023-291 being a request for a Conditional Use in accordance with Section 3.4 and Section 4.15 for 16 cabins and 67 campsite Recreational Camp/Campground. Also requesting Area Variances from Section 4.15.2.C to allow 10 cabin sites and 10 campsites to encroach into the required 45' south, side-yard setback and 60' east, rear-yard setback and Section 4.15.2.F to reduce the amount of open space (2.5ac. required/ 2 ac. provided) for the property located at 0 S. Bridge (PIN# 0140467606665051):

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 area to be "Corridor & Commercial" and "Economic Expansion Area". This area is generally made up of non-residential uses (i.e. Commercial, Storage, Offices) but also integrate commercial and residential uses. These areas should be job producing, share access as much as possible and be designed to establish a common architectural theme while respecting the rural nature of the area. The roadway is not pedestrian friendly due to the scale (i.e. width, lack of sidewalks, speed, setbacks, curb-cuts) of the street, large parking lots and public utility poles create many conflicts for pedestrians or bicyclists.
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 it is a Commercial Corridor with other commercial uses around it, with more anticipated.
3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses for the same reasons aforementioned in criteria #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 reasons aforementioned in criteria #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. Improvements or upgrades to the infrastructure will be under the directive of the Ohio EPA and regulating County agencies.
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

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because any improvements to the access of the property or SR 269 will be a directive from ODOT.

- 7. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can be used for any permitted use listed in the “R-C” Recreational Commercial zoning district.
- 8. The variance **is not** substantial because the physical camper and cabin units will meet the setbacks and what is being requested for variance is the site area for those units. Regarding the variance request to reduce the open space, this is not substantial since more than a ½ acre will remain open and undeveloped within the setbacks and buffer.
- 9. 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 Conditional Use Decision Criteria # 2 above.
- 10. The variance **would not** adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because for the same reason aforementioned in Conditional Use Decision Criteria # 5 above.
- 11. The property owner **did** purchase the property with knowledge of the zoning restriction prior to purchasing the property and have been before the Zoning Commission to get the property rezoned to “R-C” Recreational Commercial.
- 12. The property owner’s predicament **can** feasibly be obviated through some method other than a variance because the property is a new development and could have been designed accordingly.
- 13. 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 to the surrounding properties as a direct result of the variance requests.

Mr. Huffman 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-C” Recreational Commercial zoning district and after considering and weighing these factors, the Board finds that Decision Standard(s) (1) (2) (3) (4) (5) (6) (8) (9) (13) weigh more heavily to show that:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the “R-C” Recreational Commercial Zoning District and the intent and purpose of the zoning resolution; and
- b. The request for Area Variances **is not** contrary to the public interest, **is** harmonious to the existing uses and the spirit of the zoning resolution **would** be observed; and
- c. There **is** a preponderance of reliable, probative and substantial testimony and evidence that **supports** the applicants request for the Conditional Use and Area Variance;

Therefore, the requests should be accordingly **APPROVED WITH THE FOLLOWING CONDITIONS** the request. The conditions for approval include:

- 1.) That, “No Parking” is permitted and accordingly marked along the sides of any access drive within the campground for fire safety and emergency response.
- 2.) That, no recreational vehicles, boats, trailers and the like are stored in any portion of the required setbacks or buffer zone.

Motion Seconded by: Mr. Shetler. Roll Call Vote was as follows: Mr. Huffman– yes; Mr. Kruse – yes; Ms. Bauer – yes; Mr. Shetler – yes; Ms. Grentzer – 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 17, 2024.

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Approval of Board of Zoning Appeals

November 15, 2023, Regular Meeting Minutes

Mr. Kruse made a motion to approve the November 15, 2023, regular meeting minutes as presented. Ms. Bauer 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. Mr. Huffman motioned for approval of the decision sheets as presented. Ms. Bauer seconded. All were in favor and the motion carried.

- a. **BZA-2023-265 8960 E. Bayshore Road.** Request for an Area Variance from Section 5.2.1.A.i.b to allow for more cumulative accessory building space than permitted (1,200s.f. allowed/ 1,980s.f. proposed). **Cecile Mahr & Neil Slessman, Owners/ Applicant.**
- b. **BZA-2023-267 626 Lakefront.** Request for an Area Variance from Section 3.5 to allow for an addition to the existing house that will result in the maximum lot coverage to be exceeded (55% allowed/ 59.1% proposed). **Thomas & LuAnn Ramsdell, Owners/ Applicants; Feick Design Group, John Feick, Architect/ Agent.**

Unfinished Business

There was none.

New Business

Oaths for Greg Huffman & Julie Cottingham:

Ms. Dale and the Board thanked Ms. Bauer for her time served and that she will be missed. Ms. Dale explained that the Trustees appointed Mr. Huffman from Alternate to full member. Ms. Dale welcomed Ms. Julie Cottingham who was present as the new Alternate. Ms. Dale swore-in Mr. Huffman & Ms. Cottingham for their new 5-year terms.

Acceptance of By-Laws and 2024 Meeting Schedule.

Ms. Dale shared that there are no changes to the By-laws and wanted to point out that the June meeting in 2024 will be moved to Tuesday evening due to the Juneteenth holiday. Ms. Grentzer made a motion to accept the By-Laws and 2024 Meeting Schedule. Mr. Shetler 2nd the motion. All Ayes. Motion carried.

Election of Officers:

Ms. Dale shared that all officers are up since they have served their maximum permitted for the last two years. She explained that typically they move the Vice-Chair into the Chair position, the Secretary into the Vice Chair and so forth. If they decide to do this again, an nomination will have to be made for the Secretary position, but they can also open the floor to nominations for all officer positions.

Mr. Shetler made a motion to nominate Mr. Huffman as Secretary. Mr. Kruse seconded the motion. All Ayes, motion carried.

Mr. Shetler made a motion to nominate Ms. Roberts as Vice-Chair. Ms. Bauer seconded the motion. All Ayes, motion carried.

Ms. Bauer made a motion to nominate Mr. Shetler as Chair. Mr. Huffman seconded the motion. All Ayes, motion carried.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

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Adjournment

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

The meeting was adjourned at 8:39p.m.

Kathryn A Dale
RECORDING SECRETARY

Loretta Grentzer
Loretta Grentzer
Clyde Shetler
Clyde Shetler

Lisa Bauer
Joseph Kruse
Joseph Kruse
Greg Huffman
Greg Huffman
BOARD OF ZONING APPEALS