



Kathryn A. Dale, AICP
Zoning & Planning Administrator

5972 E. Port Clinton Road • Marblehead, Ohio 43440
☎: (419) 734-6120 • F: (419) 734-3137 • 🌐: www.danburytownship.com

DANBURY TOWNSHIP ZONING DEPARTMENT

2023 ANNUAL REPORT (January 1 – December 31)

Board of Zoning Appeals

Loretta Grentzer
Lisa Bauer
Sherry Roberts
Joseph Fetzer
Clyde Shetler
Greg Huffman
Joseph Kruse

Township Trustees

Dianne Rozak
John Paul Dress
David Hirt

Zoning Commission

Jodi Kopanski
Michael Brown
Vito Kaminskas
Robert Strauss
Susan Dress
Barb Singer
William Tuttamore

About the Zoning Department

The purpose of zoning according to the Danbury Township Zoning Resolution is to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements. The Zoning Department provides short and long-range planning services for the Township as well as zoning, permitting and enforcement. The Zoning Department also works in conjunction with businesses seeking to locate or expand in the Township. We work closely with both commercial and residential developers, with business owners and property owners to design projects that will add to the Township's economic, environmental, and social well-being.

Goals & Accomplishments from 2023

Goal: Conduct training for BZA & ZC Members.

On March 9, 2023, we hosted nearly 40 representatives from 14 different jurisdictions in Ottawa, Erie Lucas & Sandusky Counties for a BZA Training Session. The session lasted approximately 2 hours and covered topics not only related to BZA meeting procedures and decision criteria, but also violation enforcement. A light dinner with sandwiches and finger foods was provided and all attendees received a flash drive with sample documents and letters to be able to modify to their needs. Numerous emails and phone calls were received following the session thanking us for the opportunity.

Goal: Complete CEU requirements for AICP Certification.

All of Ms. Dale's 32 CEU's were completed by December 31, 2023 as required to maintain her AICP certification. A new, 2-year reporting period will begin 1/1/24-12/31/2025. Most if not all the CEU were obtained thru a program called "Passport" on the American Planning Association website. The annual fee for this program is roughly \$180 and was well worth the cost as opposed to having to attend multiple seminars across the State or the annual National Conference.

2024 Goals

- Storage Building Study
- Begin preparations for 2025 Comprehensive Plan Update
- Prioritize another set of dilapidated structures

Litigation

Bilton vs. Danbury Township Board of Zoning Appeals 2023 CVF 028 - Ottawa County Court of Common Pleas 23-OT-041 – 6th District Court of Appeals

Re: 2991 Waterside Court

A letter was sent to the property owner in October 2022 notifying them that a permit was necessary for the lanai, screened-in porch they constructed without any permits on the rear of their condo unit. This addition did not meet the rear setback requirements and required consideration before the BZA. The Application was ultimately denied at the December 2022 BZA meeting. The owner then retained legal counsel and proceeded with an appeal through the Ottawa County Court of Common Pleas in January 2023. After many extensions, all briefs were filed by August 2023. At the end of November 2023, the Judge's Decision was rendered, upholding the BZA's decision to deny the variance request for an encroachment into the rear setback. The property owner subsequently filed another appeal through the 6th District Court of Appeals in December 2023. This case is still pending and will likely be decided by the 6th District Court of Appeals in 2024.

Killen vs. State of Ohio CRB-23-00633A – Ottawa County Municipal Court CRB-23-01059A – Ottawa County Municipal Court

Re: 2085 Walleye – Illegal Rental

1st Citation:

In May 2023 a complaint was received regarding a violation at this property for renting the residential dwelling for periods of less than 30 days. After investigation & many months of contact with the property owner regarding the violation and correcting the situation, specifically their online listing and advertisement of the property, the property owner removed the listing but continued to violate the zoning resolution. Situations arose at the property escalating to numerous police calls over the summer of 2023 due to various disturbances. At the end of July, a knock at the property verified that the owner was not on the premises, and it was being rented by people unaffiliated with the property. As such, a citation was filed with the Municipal Court. For various reasons, some unrelated to this charge, the property owner was delayed in entering a plea until the end of August. While the property owner pleaded "No Contest", the court still found the property owner to be "Guilty". Unfortunately, the court waived all the penalty fines with the exception of court costs and stipulated that the property owner be law abiding and have no similar offenses for 1 calendar year.

2nd Citation:

In October 2023, the property owner relisted the property online as being available to rent. While the reservation system on the surface indicated that it could only be reserved for 30 days or more at a time, and in compliance with the zoning regulations, an email was sent to the property owner asking for a 4-day stay. The owner responded indicating they would accept a 4-day stay. As such, a 2nd citation was filed with Municipal Court. In November, the property owner pleaded "No Contest" again, and again, the court found the property owner to "Guilty" of the charges. This time, the property owner was charged a penalty fine of \$250 plus court costs for this charge, but also \$250 plus court costs for his previous charge that he was supposed to be law abiding on.

Davis vs. State of Ohio CRB-23-00478A – Ottawa County Municipal Court

Re: 340 Florence – Illegal Rental

The property owners received 2 Cease & Desist letters in 2022 regarding a violation at this property for renting the residential dwelling for periods of less than 30 days. It was discovered after receiving another complaint, that the property owners had created their own website and were accepting reservations "behind the scenes". An email was sent to the property owner asking for a one week stay. The owner responded indicating they would accept that request. As such, a citation was filed with Municipal Court at the end of June 2023. The case was delayed multiple times and ultimately held for a pre-trial hearing in September. At that time, the property owner's attorney requested a dismissal since the property owners had sold the property in August. Dismissal was accepted on the condition that the property owners paid back all Township expenses incurred for the citation preparations and notifications sent to the property owner since 2022.

Abatements

2023 CV-E 419 - Ottawa County Court of Common Pleas

1935 Ellsworth – Tall Grass

This was a repeat violation from prior years, but initially never assessed because the owner always ended up rectifying the violation. However, it was learned that the property owner passed away in October 2020 and any potential next of kin refused to maintain the property since they did not have legal possession of the property. The owners significant other then also passed away in July 2021 and the property has been delinquent in property taxes ever since. There are no children, no mortgage and no siblings to the deceased who wished to pursue probate on the property. The Township decided to only pursue abatement this property twice a year until it could be foreclosed on for the delinquencies. The grass was abated in June and late September of 2021 2022 and 2023, costing the Township roughly \$2,000 over the last 3 years.

After working with the Assistant Prosecutor, we were able to locate all living siblings and potential next of kins. At the end of October 2023 foreclosure proceedings formally began and were filed in the Court of Common Pleas. It is anticipated that all notification periods will conclude by March/ April 2024 and the property turned over to the Ottawa County Land Bank Program. Once the property is in the Land Bank's possession, they will likely have the home on the property torn down and maintain the property from that point on until it is offered for sale to the general public. Unfortunately, according to the Prosecutor's Office the Township will not recoup the expenses incurred from this property since the property will be turned over to a nonprofit organization.

Board and Commission Activities

These boards are made up of citizen volunteers appointed by the Board of Trustees, to review and make determinations or recommendations on planning and zoning matters assigned to them. The Board of Zoning Appeals is a quasi-judicial body that hears requests for variances to the strict application of the Zoning Resolution. The BZA also hears requests for Area and Use Variances, Appeals of the Zoning Inspector's Decisions, Conditional Uses, and Nonconforming Uses. The Zoning Commission provides formal recommendations to the Board of Trustees on amendments to the Zoning Resolution text and the zoning map. These citizen volunteers provide a valuable service to the Township by sharing their expertise and perspective. Activity for this year was as follows:

The **Board of Zoning Appeals** took action on 46 cases (41 in 2022) as follows:

Case# 2022-097	1355 S. Danbury	Davenport & Huegele	Flea Market	Cond. Use. Mod.	Approved
Case# 2023-009	231 Meadowbrook	Ralph Wirkner	Side Setback	Area Variance	Approved
Case# 2023-011	2354 N. Buck	James Jenney	Front Setback	Area Variance	Approved
Case# 2023-012	5285 Wohlers	Kyle & Sarah Richards	Acc. Bldg. s.f. & 20%	Area Variance	Approved
Case# 2023-024	1705 Chandler	Wesley Hymore	Bed & Breakfast	Conditional Use	Approved
Case# 2023-025	9940 & 9980 E. Harbor	John Spencer	Front Setback	Area Variance	Denied
Case# 2023-039	5826 Sweetbriar	Tim & Cheryl Harmsen	Side Setback	Area Variance	Approved
Case# 2023-048	246 Bedford	Dave & Darlene Bender	F. Setback & Lot Cov'g	Area Variance	Approved
Case# 2023-050	2017 Nan	James Williams	Acc. Bldg. s.f.	Area Variance	Approved
Case# 2023-053	8258 Gravel Bar	Scott & Cynthia Street	Lot Cov'g, Setback, 20%	Area Variance	Approved
Case# 2023-054	9045 & 9065 E. Harbor	Chris Skinner	Front & Side Setbacks	Area Variance	Approved
Case# 2023-079	230 Sackett	Carl Sims	Front & Side Setbacks	Area Variance	Approved
Case# 2023-084	351 Shrock	Marcel Sorgi	Side Setback	Area Variance	Approved
Case# 2023-086	Harbor Bay Estates	Lot 41A Harbor Bay	Condominiums	Conditional Use	App. w/ Cond.
Case# 2023-087	5783 VonGlahn	Ottawa County Comm.	Solar Field	Conditional Use	Approved
Case# 2023-088	233 Bedford	Kent & Jen Brandeberry	Side Setback	Area Variance	Approved
Case# 2023-091	81 Margaret	CJ & Marissa Gosik	Side Setback & 20%	Area Variance	Approved
Case# 2023-124	9341 Northshore	Laura Clay	Front Setback & 20%	Area Variance	Approved
Case# 2023-127	239 Bedford	William Henderson	Side & Rear Setback	Area Variance	Approved
Case# 2023-136	2119 Napama	Emil & Katrina Mechel	20% Addition	Area Variance	Approved
Case# 2023-139	7313 E. Harbor Road	Ron & Susan McDowell	Acc. Bldg. Height & SB	Area Variance	Approved
Case# 2023-185	2050 Napama	Scott Gorsuch	Rear Setback & 5' Sep.	Area Variance	Approved
Case# 2023-186	208 E. 4 th Street	Robert Hickson	Two-Family	Conditional Use	Approved
Case# 2023-187	8146 Northshore Blvd.	Nancy & Ron Thomas	Acc. Bldg. s.f.	Area Variance	Approved
Case# 2023-189	7325 Brooklyn	Scott & Laura Foreman	Lot Cov'g, Setback, 20%	Area Variance	Approved
Case# 2023-191	9801 E. Bayshore	Lang & Mihi	Lot Depth	Area Variance	Approved
Case# 2023-192	194 Laser	Randi Rupersburg	Lot Cov'g & 20%	Area Variance	Approved
Case# 2023-211	277 Channel Grove	Doug & Karen Karns	Rear Setback & 5' Sep.	Area Variance	Approved
Case# 2023-218	1906 Jeannie	Anthony Puckett	Acc. Bldg. s.f.	Area Variance	Approved
Case# 2023-231	2061 Walleye	Matt & Jennifer Wieland	Limited Home Business	Conditional Use	Withdrawn
Case# 2023-241	8980 Hartshorn	Richard Minto	Retail Sales	Use Variance	Denied
Case# 2023-246	254 Northview	Matt & Kendra Kormos	Rear Setback	Area Variance	Approved
Case# 2023-247	1470 S. Danbury	Best & Dearth	Wall Sign	Area Variance	Approved
Case# 2023-265	8960 E. Bayshore	Cecile Mahr	Acc. Bldg. s.f.	Area Variance	Approved
Case# 2023-267	626 Lakefront	Ramsdell	Lot Cov'g	Area Variance	Approved
Case# 2023-287	272 Perryview	Renee Rancour	Fence Height	Area Variance	Approved
Case# 2023-289	2389 Knobhill	Greg Huffman	Acc. Bldg. s.f.	Area Variance	Approved
Case# 2023-291	319 S. Bridge	Sam Downing	Recreational Camp	Conditional Use	App. w/ Cond.

The Board of Trustees appointed Gregory Huffman as a regular BZA member with a term to now expire 12/31/2028. Regular Member Lisa Bauer resigned, effective at the end of her term 12/31/2023. The Trustees appointed Julie Cottingham as a new Alternate member with a term set to expire 12/31/2028

Board and Commission Activities (Con't)

The **Zoning Commission** took action on 4 cases in 2023 (7 in 2022), as follows:

Case# ZC-2023-001 **7241 & 7275 E. Bayshore Road.** Request for a Map Amendment from “M-1” Light Manufacturing to “A” Agricultural for Part of Lot 6, Section 2, PIN# 0141138615251000 & 0141138615247001 consisting of 0.905 total acres and PIN# 0141999530434000 consisting of 0.34 acres. **Larry Cook, Owner/Applicant and Arthur & Nancy Kihlken, Owner/Applicant.**

Approved – ZC
Approved – Trustees
Resolution No. 06-2023
Effective – 04.08.2023

Case# ZC-2023-020 **Text & Map Amendment** to create and establish a new “LMO” Lakeside Municipal Overlay zoning district within Lakeside Association. Map Amendments include all Lakeside Association owned property of 10 parcels or more, rezoning some parcels from “L” Lakeside & “LBO” Lakeside Business Overlay to include into the new “LMO” Lakeside Municipal Overlay zoning district. **Lakeside Association, Owner/Applicant; Jim Switzer, Representative on behalf.**

Approval– ZC
Approval – Trustees
Resolution No. 14-2023
Effective – 06.24.2023

Case# ZC-2023-061 **7931 E. Harbor Road. Map Amendment from “R-3” High Density Residential to “R-C” Recreational Commercial** for Part of Lot 16, Section 2, PIN# 0141169815647000 consisting of 8.1 of the 14.62acre parcel and PIN# 0141126815457000 consisting of 2.0 acres or 10.1 acres of the 16.62 total acres. **Kott’s Camp on the Lake, LLC/ Scott Harris, Owner/Applicant.**

Approval– ZC
Approval – Trustees
Resolution No. 18-2023
Effective – 08.18.2023

Case# ZC-2023-074 **319 S. Bridge. Map Amendment from “R-3” High Density Residential to “C-2” General Commercial and “R-C Recreational Commercial** for Lot 3, Section 4, PIN# 0140467606665003 consisting of 0.505 ac. to be rezoned to “C-2” General Commercial and 11.1ac. to be rezoned to “R-C” Recreational Commercial of the 13.165 ac. parcel. **Paul Gerrard, Owner/Applicant; Sam Downing, Agent.**

Denial – ZC
Approval – Trustees
Resolution No. 19-2023
Effective – 08.18.2023

The Board of Trustees reappointed Vito Kaminskis as a Regular ZC Member with a term to now expire 12/31/2028. The Trustees reappointed Barb Singer as an Alternate Member with a term set to expire 12/31/2028.

Permits

The 2023 year resulted in 1 more permit than 2022 as far as total number of permits. The Township finished the 2023 year with issuing 302 permits. Between 2020-2023, the Township has averaged 298 permits per year.

The total number of new single-family homes was slightly down in 2023 with 26 permits, compared to 32 last year. The average number of new single-family home permits issued since 2020 is 31 permits. 19 of the 26 new homes built were on vacant lots; 7 were torn down and rebuilt. 3 have not started yet. There were also 2 condominium permits issued for a total of 8 new dwelling units, which is also down from 2022 (14 units).

Commercial construction activity compared to last year resulted in 8 more permits, with 98,326 additional square footage (43% increase). There were 18 new commercial permits issued for a total of 173,278s.f. of new building space compared to 11 new buildings & additions last year for a total of 74,952s.f. These new buildings included 3 new pavilions or shelter houses, 15 new commercial storage buildings (under 12 permits), the Danbury Local School Districts new gymnasium and wellness center, and a business expansion for Bayside Comfort that is expected to bring in 12-15 new jobs to the area.

Permit fees collected this year were up by \$11,932.77, in part due to the zoning fees being adjusted at the beginning of 2023. The cost of a new house permit and residential additions went up by \$50. Accessory structure permits increased by \$20 and charges started being collected for revisions to previously issued permits. There were at least 14 permits issued for projects that were started without proper permits in order, which results in a penalty of double the permit cost. Most permit fees are associated with the size of a project, which also contributes to the increase in permit fees collected.

Permits over the years traditionally begin to increase between April and September. This was true again this year, however, more permits were issued in March and December than last year. July, which typically sees 20-25 permits being issued, had a huge spike this year with 52 permits being issued that month. It was the most permits ever issued in a single month since permits have been tracked starting back in 2001.

Residential additions, porches, decks, accessory structures and fencing permits were again popular improvements made to existing homes and property. The Township continues to see people retiring permanently to the area and making improvements to their properties in preparation for making them year-round. There were 12 more permits issued this year for additions than last year.

It was an unprecedented year again in the number of Board of Zoning Appeals cases (46) and refused permits. The zoning code was modified in 2022 that amended the setback requirements for homes in Lakeside, which had made up for about 1/3 of the BZA cases. This year, there were only two BZA cases from Lakeside, so the modifications helped significantly for projects in Lakeside. The variance requests this year were predominantly for setbacks and accessory building space, especially in the older, pre-zoning neighborhoods of the Township.

Office Activity

A primary activity of the Zoning staff is responding to inquiries from residents, developers, appraisers, contractors, etc. Inspections are performed to verify or identify violations as well as to verify that projects are completed in compliance with approved plans. In addition, the department staff greets visitors seeking information regarding other township services and directs them to the appropriate official or department.

During 2023, the Department responded to 6,300 calls, e-mails and in-person inquiries and went on 893 site visits. This averages 525 calls or emails per month and 74 inspections per month. We had a 19% decrease in phone volume from 2022 and a 13% decrease in inspections.

The office daily logs are no longer created, so the data detail is simplified as follows:

- Outgoing Calls 588
- Incoming Calls 826
- Other Calls 422
- Emails 4,464
- Violation Letters 50
- Inspections 893

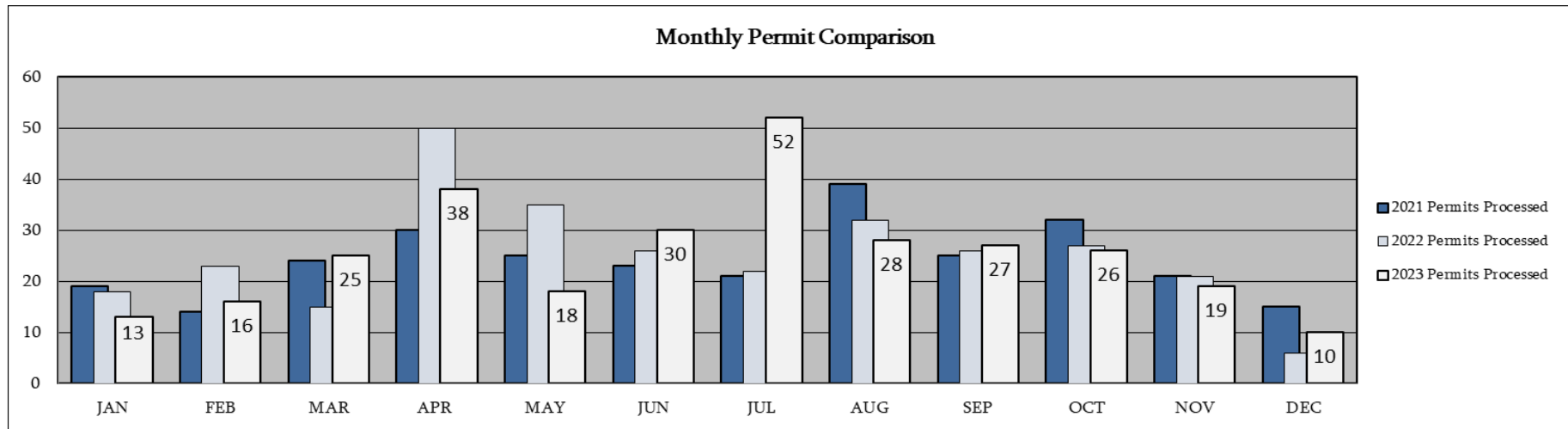
Other Office Updates:

- 2023 introduced a part-time Zoning Inspector, Marcel Sorgi from April/May until the end of September for summertime assistance. Marcel is a recently retired police officer from the Westlake area and is in the process of turning his summer home here in the Township to his full-time residence. In the short time he was able to join us after retirement, he has been a huge asset and we look forward to welcoming him back in 2024.

2023 Monthly Permit Activity Danbury Township Zoning Permits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Dwelling	1	2		3	3		3	6	3	4		1	26
Condominium Building								1	1				2
Addition/Porch/Deck	2	2	7	7	4	5	30	8	8	3	3	2	81
Accessory Bldg./Dock/Pool	1	1	4	3	3	8	5	3	6	4	3	4	45
Fence		3	2	7	6	4		3	2	5	3	1	36
Commercial Building	1	2		4	2	2		1			3	1	16
Commercial Addition								1					1
Sign			2	1		1		1	1	1	2		9
Change of Use			1										1
Permit Rejected/Voided	4	1	3	4		4	7	2	2	4	1	1	33
Zoning Amendment	1	1		2									4
Appeal													0
Conditional Use		1		2			1		1		1		6
Cond. Use Phase Approval													0
Variance	3	1	5	4		4	5	2	3	2	2		31
Special Exception													0
Other Misc.		2	1	1		2	1			3	1		11
2020 Permits Processed	13	16	25	38	18	30	52	28	27	26	19	10	302

Zoning Books Sold			1										1
Fees Collected	\$1,357.82	\$1,827.31	\$2,241.04	\$5,536.06	\$3,225.05	\$3,073.49	\$7,122.04	\$4,225.78	\$3,377.84	\$1,947.91	\$5,055.86	\$2,209.83	\$41,200.03

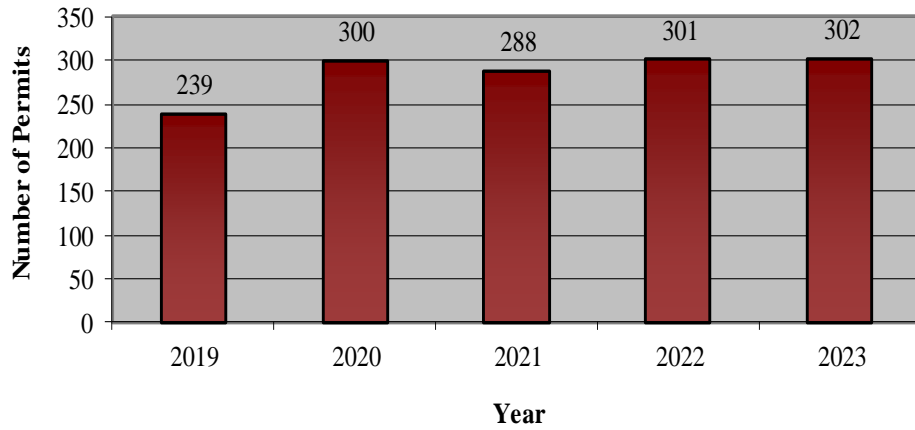


5 Year Permit Comparison Report

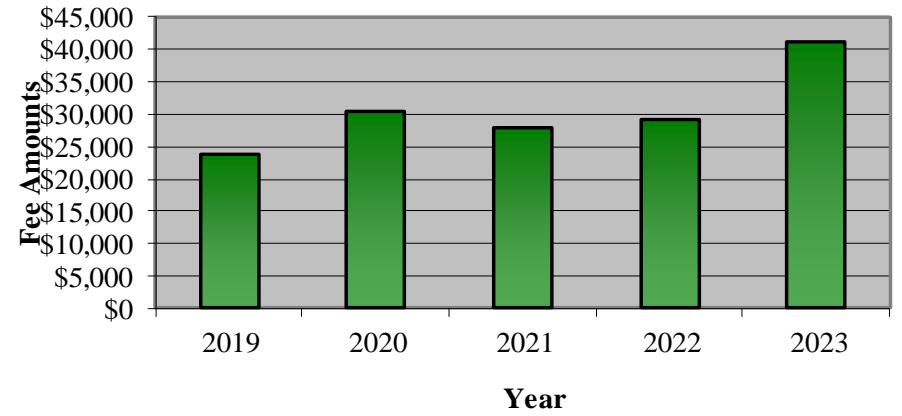
Danbury Township Zoning

	2019	2020	2021	2022	2023	TOTALS
New Dwelling	27	31	34	32	26	150
Condominium Building	2	3	5	3	2	15
Addition/Porch/Deck	54	63	61	69	81	328
Accessory Bldg./Dock/Pool	50	56	58	51	45	260
Fence	22	34	28	35	36	155
Commercial Building	9	10	9	8	16	52
Commercial Addition	2	2	4	1	1	10
Sign	4	5	4	4	9	26
Change of Use	1	2	2	4	1	10
Permit Rejected/Voided	20	40	28	28	33	149
Zoning Amendment	7	5	3	7	4	26
Appeal		1			0	1
Conditional Use	7	2	6	7	6	28
Cond. Use Phase Approval					0	
Variance	24	36	29	34	31	154
Special Exception					0	
Other Misc.	10	10	17	18	11	66
Permits Processed	239	300	288	301	302	1430
Zoning Books Sold		2			1	3
Fees Collected	\$23,920.83	\$30,337.35	\$28,067.46	29,267.26	\$41,200.03	\$152,792.93

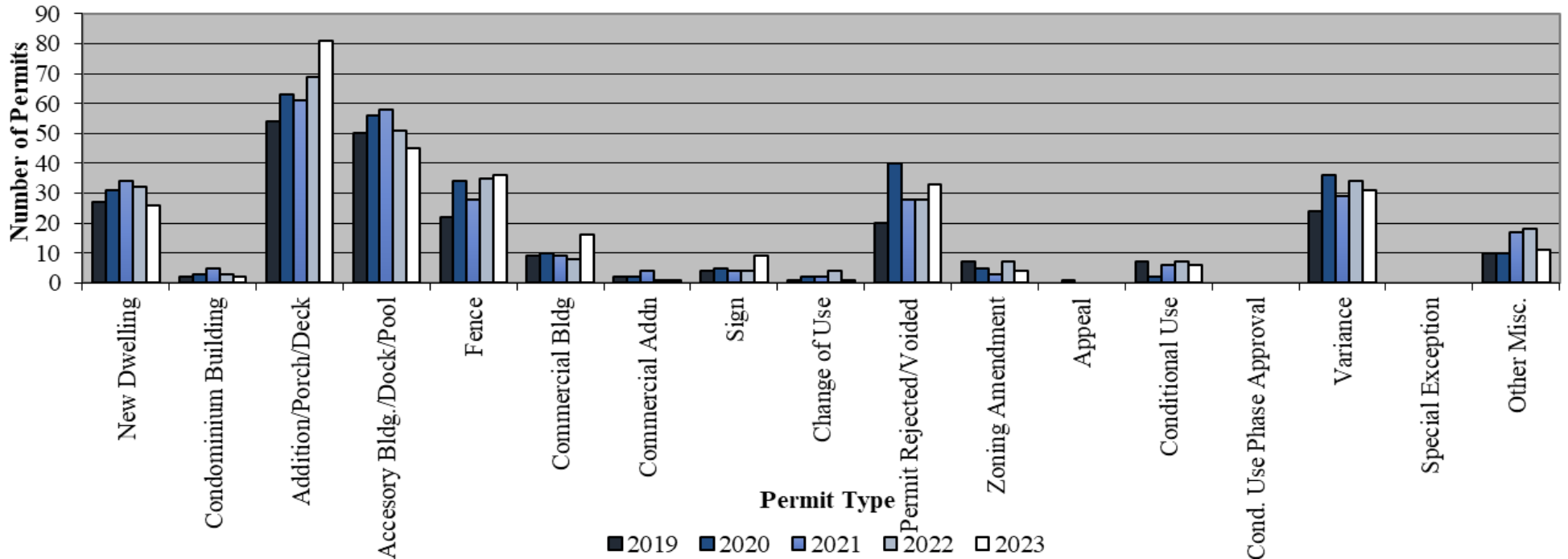
5 year Zoning Permit Comparison



5 year Zoning Fee Comparison



5 yr. Permit Type Comparison



2023 Office Activity Report Danbury Township Zoning

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTALS
Calls & Emails													
Outgoing	34	61	58	67	82	58	60	29	38	34	34	33	588
Incoming	78	64	95	80	66	62	46	66	48	81	65	75	826
Other	58	25	30	41	25	0	50	62	48	42	15	26	422
Emails	341	271	356	387	378	492	417	368	436	432	326	260	4,464
	511	421	539	575	551	612	573	525	570	589	440	394	6,300
Site Visits													
Zoning Violations													
Violation Letters Sent	4	0	1	1	9	10	4	5	4	9	2	1	50
Zoning Inspections	73	98	137	31	133	54	30	110	84	54	48	41	893
	77	98	138	32	142	64	34	115	88	63	50	42	943
	588	519	677	607	693	676	607	640	658	652	490	436	6,350
												TOTAL:	7,243

