

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_ **March 20,** 20**24** \_\_\_\_\_

Held \_\_\_\_\_

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:08p.m. by the Chair, Clyde Shetler at the Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Mr. Clyde Shetler, Vice-Chair, Ms. Sherry Roberts, Secretary, Mr. Greg Huffman, Member, Ms. Loretta Grenzer, Alternate, Ms. Julie Cottingham. Member Mr. Joseph Fetzer & Alternate, Mr. Joseph Kruse were excused. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Chester "CJ" & Marissa Gosik, Michael Internicola, Alice Rudolph 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 #2024-034  
1795 Danielle  
Internicola**

**Request for an Area Variance to Section 5.2.D.iii to allow for detached accessory buildings to encroach into the south, side-yard setback (5' required/ 1.5' proposed) and to be 0' from the principal structure where a 5' separation is required.**

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 Ms. Grenzer seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale stated the applicant has installed a 14' x 32' carport in the driveway, which is approximately 1.5' from the south, side property line where 5' is required. The applicant has installed a 7' x 10' and 6' x 8' shed along the side of the existing attached garage with a 0' separation from the principal structure where 5' is required. These two sheds are also approximately 2'-3', respectively from the south, side property line where 5' is required. 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. Ms. Roberts clarified that this is an "after-the-fact" request. Ms. Dale replied that yes, this is an "after-the-fact" request, but as always, and as they have been advised in the past by legal counsel, they have to look at the request and consider what they would have done had the request came in the way it was supposed to, or on the front-end instead of the back end. Ms. Grenzer clarified that in addition to the two sheds, this is also a request for the quonset hut type structure that is currently in the driveway. The owner put these three structures up without coming to zoning and getting a permit. Ms. Dale said yes, correct.

Mr. Huffman asked what the building was behind the garage. Ms. Dale said, that structure is a detached shed or garage as well. Ms. Dale explained and pointed to the aerial photograph included with the application, that the Board can tell what the main house is, they have a 2-car attached garage, just behind the 2-car garage they have an L-shaped building that is detached and have been there for a while. She stated she did not know how long that building has been there.

The Chair asked the applicant to come forward.

**Michael Internicola**, Owner, 1795 Danielle, Marblehead, Ohio, was called upon and sworn in. Mr. Internicola reviewed the paperwork and stated it was as he had submitted. The Chair asked if there were any additional or supplemental documents that he wished to enter into the record. There was none. Mr. Internicola said, I guess the major one [variance] is the quonset hut/ boathouse that is close to the side of the property on the south side. I put that up in 2017. I guess I just wasn't vigilant enough to come check. I thought, on my own, without checking, that because it's basically a portable unit, even though it's big and heavy, that it didn't require a permit. Same thing with the sheds on the side. I just never thought that I needed to check for a permit, and should have. In terms of it moving, it would be tremendously difficult for me because I really don't have anybody, family or enough friends that would be able to help do that. It would take a lot of people to move the boathouse over, and I placed it so I could get in and out of the garage, and that still limits my access to the garage. So, I have to be very careful when I pull one of the vehicles in and out of the garage. I really, essentially do not have any other place to put that. As far as the back part of my lot goes, it would be virtually impossible to get the boat back there without really going across my neighbor's yard. As far as the sheds are concerned, basically the same mindset with them being portable buildings and not checking to see if I needed to get permits. But the main reason why they're there is because they're set on a cement driveway. In the back of the house, if I had to move them, I'd have to prepare the ground underneath them because there's only dirt there and grass. It would be also rather difficult to do because even though they're not that big, they are heavy. So, I'm kind of locked in, I guess, to put it in short terms, where they are. I really do need your permission to be able to leave the buildings where they are. They don't affect my neighbors

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in any way. They've all been there, seen it. Actually, even have questioned me about where they could get something like that, too. Yeah, so like, they didn't have any objections to it. My next-door neighbor actually helped me put it up because it required two people to do. So, my narrative pretty much tells the story, if you didn't get a chance to take a look at those, it gives you a little bit more detail or idea of what my thinking was during the whole process. I don't know if there's anything else I can say. What Ms. Dale read is pretty accurate. I don't argue a bit with what she wrote. I don't have any questions about it. It's just up to you guys to decide if you think that the buildings are okay where they are. And that would require me then to get permits. prevents.

Ms. Roberts said, if she could ask – what is it secured with? Is it just sitting on top of the driveway? Mr. Internicola said there are plates at the bottom of each of the structures that it sits on and then there's probably, maybe 10 – 12 archways across the top. Ms. Roberts asked about the other structures. Mr. Internicola said they just sit on a flat plastic platform on top of the cement. Mr. Internicola asked if that answered her question. Ms. Roberts responded that she thinks so.

Ms. Grentzer asked if it was a garage that he had at the back of the house also, the L-shaped building? Mr. Internicola said yes, it's been there since he built the house. Ms. Grentzer said, okay, so you have a 2-car garage, and you have that fairly large building back there, so why do you need the two sheds? Mr. Internicola responded that they are jammed packed with gardening equipment...Ms. Grentzer interrupted and said the whole big garage and the shed? Mr. Internicola said even the sheds are all filled. Ms. Grentzer said, but you don't have that much of a yard. Mr. Internicola agreed and said, no I don't. Ms. Grentzer said, don't you have plenty of space in your current garage and the L-shaped building to store items? Mr. Internicola said it may look like it, but if you could see what I have stored in the building behind the garage and then the other two buildings next to the garage, it would just about fill the garage and then I wouldn't be able to use it for my cars. Ms. Grentzer asked how many cars he has, two? Mr. Internicola said two cars and a truck. Ms. Grentzer asked where he keeps the spare vehicle. Mr. Internicola said outside.

Ms. Grentzer said, as far as the quonset hut is concerned, what do you store in there, a boat? It must be a fairly large boat. Mr. Internicola said it's 30' long and almost 10' wide. It takes up almost all of the space. Ms. Grentzer asked how long he has had the boat – then she corrected herself and said I mean the quonset hut set-up? Mr. Internicola said since 2017. The reason I put the building up, just so you understand, it required me every year to pay to have the boat shrink wrapped, which is relatively expensive. So, I decided, well, you know, I saw this building when I was shopping at Lowes or Menards, and thought, well I would cut that expense out, so I decided to go ahead and do that. Ms. Grentzer said, I probably shouldn't make this comment, but I have to comment. I think that is a hideous looking thing there. I would not like it if it was my next door neighbor's. Mr. Internicola said, I have not received that comment from anybody in my neighborhood. Ms. Robert's joked, that Ms. Grentzer is the first. Mr. Internicola giggled that she was the first. Ms. Grentzer said it's a very nice neighborhood. Mr. Internicola agreed that it is a nice neighborhood. He said he was the first one in there, I built the house in 1997. When I moved up here, I'm a retired teacher and there was nobody here. Nothing, anywhere except the road. I haven't had that comment, honestly, about that. Ms. Grentzer said it stuck out like a sore thumb as we were driving down the road. Mr. Internicola asked, oh did you see it, did you drive by? Ms. Grentzer said oh yeah.

The Chair asked if any other Board Members had any questions. Mr. Huffman indicated he did. Mr. Huffman said, you said that the Quonset hut is not secured to the concrete? It's not Tapcon'd down or anchor bolted? Mr. Internicola replied that there are two bolts, on the front end and the back. Ms. Roberts asked, two each end or one in the front and one in the back. Mr. Internicola said one on each corner. Ms. Roberts said, so there are four. Mr. Internicola said yeah. Ms. Roberts said so it's not – well it's been there since 2017 so it obviously hasn't blown away or anything. Mr. Internicola said, no, it hasn't yet.

Ms. Grentzer said, you may have said this already. Did you know you were supposed to get permits to put the sheds up? Mr. Internicola said, I mentioned that at the beginning of my statement. Ms. Grentzer said, I'm asking you to repeat it. Mr. Internicola said, okay. When I put the shed up, or the quonset hut, I wasn't vigilant enough to check the zoning to see if a permit was necessary because in my mind, it was essentially a portable building. I thought that that would eliminate the requirement for a zoning permit, sorry.

Mr. Shetler indicated that he had a couple of short questions. You mentioned moving the quonset hut – so did somebody build it for you? Mr. Internicola said no, I built it with my neighbor's help. Mr. Shetler asked about the other two buildings or sheds. Mr. Internicola stated he did those by himself. Mr. Shetler said those are just sitting on concrete and not anchored. Mr. Internicola said yes. Mr. Shetler said, prior to 2017, did you store your boat here on your property? Mr. Internicola said yes, just out in the open. Mr. Shetler asked if it was shrink-wrapped in the driveway. Mr. Internicola said it just had a mooring cover over it in the driveway. Mr. Shetler asked if it was stored where the quonset hut is now. Mr. Internicola said well, actually, it was stored where the two sheds are now. Mr. Shetler

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clarified, so prior to the two sheds, you stored it in the back of your lot. Mr. Internicola said yeah, it just limited access to the back of the yard and made it difficult to get back there. Mr. Shelter said, so when you put the sheds in, it changed where you could store your boat? Mr. Internicola said, well, the quonset hut came first. The shed came later on. Mr. Shetler said, okay, that's all I have.

The Chair asked if the Board Members had any questions. There were none.

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

Ms. Grentzer said she has just one more question. Do you have, or your development have an association? Mr. Internicola said, not really. We belong to a marina association at the end of the street down at the Bay. Ms. Grentzer said she meant an association that regulates the houses. Mr. Internicola said no.

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

Ms. Cottingham motioned to recess into executive session to deliberate the merits of the case. Ms. Roberts seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 6:32p.m.

Ms. Roberts moved, and Ms. Cottingham seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:05p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-034:

**With regard to BZA-2024-034 being a request for Area Variance to Section 5.2.D.iii to allow for detached accessory buildings to encroach into the south, side-yard setback (5' required/ 1.5' proposed) and to be 0' from the principal structure where a 5' separation is required for the property located at 1795 Danielle Drive:**

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 and the zoning resolution is not denying the owner reasonable use of the property or the ability to provide accessory structures.
2. The request **is** substantial as far as the two sheds are concerned, there was ample space at the rear of the property to have been able to locate these in accordance with the requirements. Based on how the larger, quonset-hut styled carport is used for boat storage, it could have been placed to meet the side-yard setback.
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 these buildings have been up according to the owner since 2017 and there have been no complaints from any neighbors.
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 not aware of the zoning restrictions at the time they purchased the property in 1996.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance regarding the two sheds because they could have been located in the rear yard to meet all the requirements and there was ample space for these. The carport could be moved to meet the 5' side yard setback.
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. Where these structures are located, there is still ample space to the neighboring property owner.

Ms. Cottingham 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) (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.

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Therefore, the Variance should be accordingly **APPROVED W/ THE FOLLOWING CONDITION:**

- 1.) That, when this applicant sells or leaves this property, the quonset hut structure is removed.

Motion Seconded by: Mr. Huffman. Roll Call Vote was as follows: Ms. Cottingham – yes; Ms. Grentzer – no; Mr. Huffman – yes; Ms. Roberts – no; Mr. Shetler – yes. Vote 3-2 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 April 17, 2024.

**Adjudication Hearing  
Case BZA #2024-040  
81 Margaret  
Gosik**

**Request for Area Variances from Section 5.1.7 to allow for a front porch addition to encroach into the west, front-yard setback (6'7" proposed/ 20' required) and to Section 7.12.3.A to allow more cumulative square footage to be added onto a nonconforming structure than permitted [965s.f (74.8%) total; 632s.f. (38.9%) new proposed/ 257.8s.f. (20%) allowed).**

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.

Ms. Dale stated the property is part of the Erie View Subdivision which was platted in 1960. The existing structure is nonconforming because the house foundation sits at 19.7’ to the front property with 18” overhangs, making the structure 18.2’ from the front property line where 20’ is required. It is further nonconforming because the house foundation sits at 5.4’ from the south, side property line with 18” overhangs, making the structure 3.9’ from the side property line where 5’ is required. The applicant is proposing to construct a 13’ x 26’ (338s.f.) covered front porch addition onto the home which will be 6’7” from the front property line where 20’ is required.

The original structure consisted of 1,289s.f. 20% would have allowed for 257.8s.f. of new space to be added. In 1999 under a different owner, a 12’ x 23.8’ (333.2s.f.) addition to the rear of the home was constructed, which should have gone before the BZA for a 25.8% addition onto a nonconforming structure, but did not. The current owner came before the BZA in Case# 2023-091 proposing to construct a 14’ x 21’ (294s.f.) addition onto the rear of the home which further increased the amount of square footage onto a nonconforming structure. Variances were approved in that BZA case to allow a 48.6% to the original structure; or 22.8% more than what was added in 1999 to the house. A side-yard setback was also granted to allow the addition to match the existing façade of the house and have the overhangs be 3.9’ from the south, side property line. The proposed 13’ x 26’ (338s.f.) covered front porch onto the front of the home, further increases the amount of square footage onto a nonconforming structure. This will result in a 74.8% (965.2s.f. total) increase to the original structure or 38.9% (632s.f.) more than what was added in 1999 to the house and 20.9% (338s.f.) more than what was approved by the BZA in 2023. 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 for Ms. Dale. Ms. Roberts said, the one statement you made says they were not aware of the requirements in 2009 and that they should have been aware in 2023, which probably isn’t accurate because they may not have known about it in 2009. Ms. Dale said her point was that this is a new application, so whatever was granted in 2023 is still in effect – they may have to ask for an extension of that approved in June of this year – but my point is that they are asking for very similar variances that they asked for in 2023. It’s kind of hard for them to say they didn’t know zoning existed – I agree, they may not have known that it existed in 2009 at the time they purchased the property, but they have since learned that the zoning does apply here in the township because they were just before this Board a year ago for the same issues. Ms. Roberts said she understands but she didn’t think the way that was worded in the staff report was clear.

The Chair asked the applicant to come forward.

**Chester “CJ” & Marissa Gosik**, Owners, 81 Margaret, Marblehead, Ohio, were called upon and both sworn in. Mr. Gosik reviewed the paperwork and stated it was as he had submitted. The Chair asked if there were any additional documents that he wished to enter into the record. There was none. Mr. Gosik said, hello, and I’ll go first. We didn’t anticipate being here a second time when we applied back in 2023 for the variance. One of the biggest things is when we took on our contractor to build onto the back of the house, there was question if the existing walls would support the new structure and roof cover. So, after a little bit of investigation on that, and checking behind the front, west side of the house, then the east side of the house, that house was built like a manufactured home, so it doesn’t have lumber underneath the site, it’s got foam insulation. So, by doing that, they exposed on the west side of the

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house, the front where the porch would be, the stoop, the old stoop, they exposed that and pulled the foam away and found the whole silt plate all along the stoop had rotted. Naturally, that had to be removed to fix all that plating along there, that way we can put lumber on to support the new roof that will go on here.

As far as the front zoning requirements are concerned, when I was worried about putting the back room on, I didn't pay too much attention to the front zoning requirements. So yes, I am aware as of 2023 of the requirements, but I really didn't think we'd have to be here for the front because we weren't going to do it at that time. When the contractor was there, I have a general contractor that I have hired, I can only apologize for my mistake, I can't apologize for his because this is what I paid him to do. I would have sought approval for getting another zoning variance and stuff like that, as needed, but I wasn't directed to do so. My general contractor was supposed to take care of everything.

Other than that, we did put a new stoop on. The old stoop was found to be you know; it was deteriorating over time since the house was built before we purchased it. Also, we identified that it was not solid fill like it should be, you know, so it's probably a good thing that it did get ripped away. The new one that was put on was made a little bit larger and running longer, parallel to the house, to complete that ranch style look, but also provide a better space for us to sit and watch our young kids play the front yard versus have to stand here because we didn't have a porch, right. So that's the intent we had in mind.

The Chair asked if the Board had any questions for Mr. Gosik, there were none. The Chair asked if Ms. Gosik had anything more that she wanted to add. She indicated that she did not.

Ms. Grentzer wanted to clarify that on the drawing provided, and the porch, the concrete porch, that's all you are proposing. Mr. Gosik said the stoop is already there, it's been replaced. We're going to do an open, open reverse gable in the front, with railings and stuff as required because it goes above 30" on the north end, but yeah, that's all it is, is an open porch. Ms. Grentzer said thank you.

Mr. Shetler said his question might be for Ms. Dale. The setback is from the edge of the road right-of-way? Ms. Dale said from the property line. Ms. Grentzer said, when we're talking about road right-of-way, are we talking about the main road, Margaret? Or that little roadway in front of their property?

Ms. Dale responded that there's actually two - it's a little confusing. There are actually two road right-of-ways for Margaret. If you came from Northshore Boulevard, up the drive, there is a 20-foot strip that goes, that was platted for road right away, with all the houses on the west side of Margaret. Okay, so if you're coming from Northshore Boulevard, and going up the hill, on your right-hand side, all those houses over there, there was a 20-foot road right-of-way platted for those houses. Then the left side or the east side of Margaret, their subdivision Erie View came in later, with a 50-foot right-of-way that was supposed to end in a cul-de-sac, which is why you have some of Margaret altogether, and then it splits into two, like a gravel lane and then it continues on gravel all the way through to SR 163. So, where their house is, there is actually a 70-foot road right-of-way, okay, with two lanes that go up the center. The point is, we measure setbacks from where their property line is, and the property line and the road right-of-way line are one in the same. So, where the road right-of-way ends, their property begins. My point is, between the gravel lane that goes in front of their house, and where their property begins, there's 40-feet of grass area. And then they have on top of that, this 20-foot setback requirement. So, kind of what I was trying to point out in the staff report, yes, we typically measure setbacks from a property line, but in this case, it's a private street. It's not a public street. If it's ever going to get widened or improved, it would be up to those property owners to make those improvements. Ms. Roberts said she's seen this in other neighborhoods, and they haven't been able to stop fighting and put the money into it, right? Ms. Dale said, so the likelihood of that road ever being 70-foot wide is unlikely. I'm sure CJ and his neighbors, they all mow the grass up to the roadway. I mean, it's a private street, if nobody mows that right-of-way, you know, nobody else is going to come in and do it [like the Township or the County]. From a visual standpoint, when you're on the road, you would very much think that all that grass in front of his house would belong to him, but it technically doesn't belong to a lot and the majority of it belongs to the roadway. So yes, they're asking for a six and three quarters foot setback from their property line for this porch, but in, in reality, it very much is going to look like this porch is 40 feet away.

Ms. Roberts said she has a question that has absolutely nothing to do with this. But as far as their street is concerned, which is tough to live with, is there any way that they as an association or all of the houses could petition the Township to take over the road? Ms. Dale said, so when whenever somebody wants to petition the Township to accept a street, you technically have to make that petition through the County Engineer's Office. The County Engineer will not accept any street that is in this condition. The street has to be brought up to the County Engineer standards. So that means paved, whatever the arch, I don't know all the technical terms are, but it needs to be crowned, arched, whatever the specifications are that the County Engineer has for a residential street. Those residents would have to get together, put into a pot that money, and get it to that standard. The county engineer would

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obviously be involved through that process and inspect it to make sure that it's brought up to the County's standard. If it's acceptable, then the County Engineer will accept it, and then it gets presented to the Trustees to sign off on it and then we would end up taking care of it. But the difficult part in all of these private streets is that the residents have to agree to bring it up to standard and contribute those funds to make it happen on the front end. Depending on expenses, that can be very expensive, and a lot of people won't do that. So that's why we have roads in the condition that we do, unfortunately.

The Chair asked if the Board Members had any questions. There were none.

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

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

Ms. Cottingham motioned to recess into executive session to deliberate the merits of the case. Ms. Roberts seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 7:31p.m.

Ms. Roberts moved, and Mr. Huffman seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Ms. Grentzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:47p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-040:

**With regard to BZA-2024-040 being a request for Area Variance to Section 5.1.7 to allow for a front porch addition to encroach into the west, front-yard setback (6'7" proposed/ 20' required) and to Section 7.12.3.A to allow more cumulative square footage to be added onto a nonconforming structure than permitted [965s.f (74.8%) total; 632s.f. (38.9%) new proposed/ 257.8s.f. (20%) allowed) for the property located at 81 Margaret Drive:**

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 residence.
2. The request **is** substantial because the house is already nonconforming on the front setback, and this will further that nonconformity. Additionally, the porch addition will occupy 66% of the required front-yard setback.

**And**

The request **is not** substantial related to the overage onto the nonconforming structure square footage, or 20% rule, because the lot coverage requirement will still be met.

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 porch addition will be an appropriate scale and fitting to the style of the house and will be over 40' from 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 available to the property. Any utility extensions, upgrades or relocations will require approval from the appropriate agencies.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property in 2009 but were aware of the requirements since they previously requested a variance before this Board in 2023.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by foregoing the porch addition since the house has never had one.
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 and the porch addition will be more than 40' off the road and will not affect the lot coverage.

Ms. Roberts 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) (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.

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Therefore, the Variance should be accordingly **APPROVED.**

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

**Approval of Board of Zoning Appeals  
February 21, 2023, Regular Meeting Minutes**

Ms. Cottingham made a motion to approve the February 21, 2024, regular meeting minutes as presented. Ms. Roberts seconded the motion. All were in favor, motion carried.

**Signing of Decision Sheets**

There was none.

**Unfinished Business**

There was none.

**New Business**

There was none.

**Other Business**

There was none.

**Reports and Communications from Members and Staff**

There was none.

**Adjournment**

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

The meeting was adjourned at 7:53p.m.

Kathryn A Dale  
RECORDING SECRETARY

Clyde Shetler  
Clyde Shetler

Sherry Roberts  
Greg Huffman  
Greg Huffman

Loretta Grentzer  
Julie Cottingham  
Julie Cottingham  
BOARD OF ZONING APPEALS

**Danbury Township Board of Zoning Appeals**

**March 20, 24**

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