

RECORD OF PROCEEDINGS

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

Held _____ September 11, _____ 20 _____ 24 _____

The Special Meeting of the Danbury Township Board of Trustees to discuss a request for a map amendment at 6114 E Port Clinton Eastern Road, David and Edith Dlubak, Owners/Applicants; was held at Danbury Township on September 11, 2024, and was called to order at 5:00 pm by Trustee Dianne Rozak.

Trustee Rozak, Trustee Hirt and Trustee Dress were present along with Fiscal Officer Brinkley Paul, Zoning and Planning Administrator Kathryn Dale, Township Assistant Lynne James and the visitors in attendance were Susan Dress David Dlubak and Mike Kalinoski.

Ms. Rozak opened the meeting for public hearing regarding ZC-2024-168 6114 E Port Clinton Eastern Road. Requesting a Map Amendment from A - Agricultural to R-C Recreational Commercial for Part of Lot 13, Section 4, PIN# 0140400022988000 consisting of 22.6 ac. David and Edith Dlubak, Owners/Applicants; the meeting was then turned over to Ms. Dale for the staff report.

Ms. Dale stated the following:

DESCRIPTION:

The applicant is proposing to rezone their property, 22.6ac. from "A" Agricultural to "R-C" Recreational Commercial. The owners purchased the property in 2020. On the property is a single-family home and 3 barns. The owner in recent years has been digging out large ponds. In 2023, the property owner took out an agricultural exemption permit (#2023-290) for the establishment of viticulture and fruit trees which included approximately 80 fruit trees and 200 grapevines. According to the applicant's narrative, the rezoning is intended to provide year-round employment, diversify the uses of the parcel, and preserve/create farmland in the form of a vineyard. There is case law on agricultural exemptions regarding vineyards and wineries that the property owner likely can pursue even if this rezoning is not approved.

SURROUNDING ZONING:

North:	"A" Agricultural	Single-family homes & farmland
East:	"A" Agricultural	Single-family homes & farmland
SE:	"R-C" Recreational Commercial	Approx. 1,100' is Behlke Storage Facility off Bayshore
South:	"A" Agricultural	Single-family homes & farmland
West:	"A" Agricultural & "R-2" Suburban Residential & "C-2" General Commercial	Single-family homes, horse farm & farmland Meadowlands Subdivision Approx. 1,025' is "The Attic" Storage Facility

LAND USE PLAN:

The Danbury Township Land Use Plan was adopted in 2017. The Land Use Plan calls for a majority of the proposed rezoning area to be "Rural Development" with the front portion of the property designated for "Neighborhood 3; Low Density Residential". The boundaries to these classifications should not be viewed as a hard line stopping or starting point, but more as a generality that can cross property lines or extend further than depicted if it makes good planning sense.

"Rural Development" are areas that are low density and in general typify a rural use such as agriculture or related industry and should be conserved or protected as much as possible. Uses include single-family homes, civic and neighborhood commercial.

"Neighborhood 3; Low Density Residential" consists of newer developments within the Township. Lot sizes are large, not as consistent and may contain irregular lots. No connectivity to other neighborhoods, reliant on vehicular use and typically one way in and out. Uses include single-family and two-family dwellings.

Staff would encourage Commission Members to review the Land Use Plan, between pages 13 & 17 to have a better understanding of the existing conditions of the Township and also review the goals, objectives & strategies that begin on page 22.

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AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on July 1, 2024, and held a hearing on July 16, 2024. Attached is OCRPC's decision letter recommending **Denial**. The Danbury Township Zoning Commission held a public hearing on August 7, 2023, and made a motion to deny the request, citing that no decision standards of Section 7.7.3.E.ii. were satisfied, resulting in a 5-0 vote for **Denial**.

The Danbury Township Zoning Commission's Decision Criteria for considering this request includes: **Section 7.7.3.E.ii Map Amendments**

- i. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- ii. The proposed amendment will make the map conform more closely with the Land Use Plan.
- iii. There has been a substantial change in area conditions that necessitates the amendment.
- iv. There is a legitimate need for additional land area in the zoning district that will be expanded.

STAFF RECOMMENDATION:

None.

Ms. Rozak asked Mr. Dlubak about the Amendment.

Mr. Dlubak created a 3.5 acre 25-foot-deep pond on his property and stated that is all the deeper it will go, due to hitting rock. He has stocked it with fish as he is an avid fisherman and fishes all over. Due to his businesses, he would like to have private company events and tournaments on his property, a conference and entertainment center, and also providing a place for those people to lodge while attending events. It may be open to some public events and he gave the example of a kid's fishing tournament, but the property will be gated. Due to the current zoning, he would be prevented from doing so. They also own a winery in upper Sandusky and would like to do the same with this property for privately entertaining corporate clients.

Ms. Rozak asked about opening to the public and Mr. Dlubak said there would be some, but he would prefer club events; boy scouts, girl scouts, special needs, fishing clubs, things of that nature. He said there would not even be signage at the property entrance.

Ms. Rozak asked Ms. Dale if all of this could be done without rezoning. Ms. Dale stated that it could, but the rezoning would speed up his process for developing the land and how quickly he could build on the property. If left Agricultural, a winery would have to be producing; establish a vineyard, grapes growing and production of wine, before any further commercial development would be allowed, which takes time. Whereas, rezoning to R-C Recreational Commercial, he could do everything simultaneously.

Ms. Rozak asked Mr. Dlubak if all of this could be done at their winery in Upper Sandusky and he stated it could not, because he wants the focus to be around the lake area, due to the fact that they lease out a lot of charters.

Ms. Rozak asked Ms. Dale if there was any public objection at the zoning commission hearing. Ms. Dale said the concerns by neighbors were once this is rezoned it could become anything and with conventions and tournaments the noise, lighting and entertainment could be a problem. The dirt mounds have not been dealt with either.

Ms. Rozak asked for the purpose of the mounds and Mr. Dlubak stated it was the dirt from the formation of the pond and that it will be used for landscaping terraces along with saved topsoil, but he is waiting on rezoning will go through to determine where it will be placed.

Ms. Rozak asked and Ms. Dale confirmed this could be considered spot zoning where it is a beneficial gain to one, however there are properties on this road that are commercial and she would have no idea what the decision would be should it be challenged.

Ms. Rozak asked Ms. Dale if there was any other zoning classification he could request that would allow for what he proposes to do. Ms. Dale said with what he wants to do, it could bring up zoning infractions based on repetitive, reoccurring use without being properly zoned.

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Mr. Dress was also concerned with him looking at doing commercial in the middle of agricultural and single residence, being illegal spot zoning. His other concern was once it is zoned R-C Recreational Commercial, not matter what he says he is going to do, it opens the door to anything.

Ms. Rozak asked and Mr. Dlubak agreed that he would be willing to rezone just the back part of the property leaving the front part zoned agricultural. Ms. Dale said for that to happen, they would have to show where this would be rezoned, multiple zoning districts are allowed on a singular piece of property, so he would have to submit a new application with the new specifications.

Mr. Kalinoski lives on Port Clinton Eastern and he is against this being rezoned. This guy states what he is going to do with the property if he can get it rezoned and if it gets rezoned, he can also turn around and sell it, and then the new owner can do whatever they want with the property. Property changes hands all the time in this area and he is very concerned about this type of a situation. He remembers with the zoning board was against digital signage and now it is legal. He would rather see the Agricultural zoning, because then at least there has to be some yielding of fruit for a winery.

Ms. Rozak asked if he would have a problem with the front part of the property staying agricultural and the back part being rezoned R-C Recreational, Commercial. Mr. Kalinoski asked for clarification and Mr. Dlubak stated rezoning would start by the "hills/mounds" and go to the back of the property. Mr. Kalinoski stated that if the front stays the way it is and there is no light or noise pollution, he sees no problem with that.

Ms. Rozak asked and Ms. Dale stated it will take the same amount of time and costs the same, whether modified or done as a new application.

Ms. Rozak asked if there were any further questions from anyone and being there were none, she stated for the record she would personally be very happy if Mr. Dlubak would reapply for rezoning from the mounds to the back of the property.

Ms. Rozak made the motion to deny the current request for rezoning and should Mr. Dlubak choose to reapply, that the application fee should be waived. Mr. Hirt seconded with the roll call vote as follows: Ms. Rozak: Yes Mr. Dress: Yes Mr. Hirt: Yes.
All ayes and request for rezoning was denied.

Adjourn

Ms. Rozak thanked everyone for attending and there being no further business before the Board regarding this special meeting, Ms. Rozak motioned and Mr. Dress seconded, to adjourn at 5:52 pm. All ayes and motion carried.


Fiscal Officer





Danbury Township Board of Trustees

RECORD OF PROCEEDINGS

Minutes of

**DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING
6114 E Port Clinton Eastern Road Map Amendment Request**

Meeting

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

Held _____

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