

STAFF REPORT

Board of Zoning Appeals

Meeting Date: October 16, 2024

Case #: BZA-2024-245 Address: 292 Gravel Bar

Appellant: Joseph Nejdl, Owner **Zoning**: "R-C" Recreational Comm.

Agent: John Feick, Architect

Request: Request for Area Variances from Section 5.1.7 to allow for an addition to encroach

into the south, side-yard setback (1'8" proposed/ 5' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than

permitted (20%; 216.8s.f allowed/120%; 1,295s.f. proposed).

SUMMARY:

The property is part of the Port Ann Subdivision which was platted in 1951. A 12'x 16' rear sunroom is being removed and replaced by a new addition. The existing structure is nonconforming because the house sits at 2'8" to the south, side property line (1'8" if an overhang is present) where 5' is required. The applicant is proposing to construct a 23' x 36'4" (831s.f.) addition onto the home which will align with the existing south wall at 2'8" where 5' is required. The applicant is also proposing an 8' wide, "L" shaped, covered porch which will be set-in and meet the south, side yard setback requirement.

The original structure consists of 1,084s.f. 20% would have allowed for 216.8s.f. of new space to be added. With the 831s.f. addition and 464s.f. covered porch, the amount of new square footage onto the nonconforming structure will result in a 120% (1,295.f. total) increase.

ANALYSIS:

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff's review:

The property in question will yield a reasonable return and can be beneficially used without the variance because the property can continue to be used for a single-family residence and the restrictions are not so restrictive that they prohibit the property owner from making any improvements to the property.

Whether the request is substantial or not can be debated. On the one hand the house is more than doubling in size. On the other hand, the house is not getting any closer to the side lot line than the existing house and despite the amount of square footage being added to the home, the lot coverage is more than satisfied.

The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variances because the addition matches the style of the existing house and all the work to take place will be predominately at the rear of the property.

There is no indication that there would be a detrimental effect on the delivery of government services since utilities are existing and available to the property.

The applicant's narrative statement says they were not aware of the zoning requirements at the time they purchased the property in 2010.

The property owner's predicament cannot feasibly be obviated through some method other than a variance because any improvement to the structure would likely result in a variance needed to exceed the 20% additional limitation. Whether the addition could have been set-in by 2'4" to meet the side-yard setback can likely be debated, but according to the architect, structurally it would have been difficult due to the interior layout and roof framing alignment.

The spirit and intent of the zoning resolution would be met because there are no known negative impacts to adjoining property owners.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:

Kathryn A. Dale, AICP

Danbury Township Zoning Inspector

Date Prepared: September 30, 2024

List of Exhibits Enclosed:

Exhibit 1:

BZA Application
Appellants Narrative Statement

Adjacent property owners' notification list

Property Deed

Exhibit 2: Refused Permit

Site plan Addition Plans



/	7	BOARD OF ZONING APPEALS					
1)	anbury Township, Ohio	APPLICATION Description (1961) Application (1961) Application					
	00	Date Filed: 9 25 24 Application #: 2024-245					
M	772 E. Port Clinton Rd. arblehead, Ohio 43440 7: (419) 734-6120 F: (419) 734-3137 7: www.danburytownship.com	Action:					
1.	Property Location: 292 Gravel Bar						
	Parcel ID# 0141248516634000	Zoning District : "R-C" Recreational Comm.					
	Attach Deed F	or Complete Property Legal Description					
	Existing Use SF Home	Proposed Use 23'x 36' 1-Story Addition w/ 8' covered porch					
2.	Agent John Feick, Feick Design	Address 224 E. Water Street					
	CitySandusky	State Ohio Zip 44870 Phone (419) 625-2554					
	Email: feickja3@gmail.com						
3.	Appellant/ Owner Joseph Nejdl	Address 3230 W. Wallings Road					
	City Broadview Heights	State Ohio Zip 44147 Phone (440) 665-4053					
	Email: shoprag2008@hotmail.com						
	Use an additional application	on if there is more than one owner making the request.					
4.	Specific Request: Area Variance Use Variance	Special Exception Conditional Use Appeal					
	Chapter / Section Request for Area Variance	es from Section 5.1.7 to allow for an addition to encroach into the south, side-					
	yard setback (1'8" proposed/ 5' required) and to Section 7.12.3.A to allow more cumulative square footage to be added onto a nonconforming structure than permitted [1,295s.f. (120%) proposed/ 216.8s.f. (20%) allowed].						
	Practical Difficulty SEE ATT	ACHED NARRATIVE STATEMENT					
	Attach Separate Narrative Statem	ent Describing The Request If Additional Space Is Needed.					

- 5. Attach a Narrative Statement with a response to each Decision Standard listed in Attachment "A" hereto, as is relates to the specific request.
- 6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on

the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.

- 7. A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved.
- 8. Photographs or any other information and documentation as it relates to the request being made.

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

PLEASE REFER TO THE BZA DOCKET CALENDAR FOR SUBMISSION DATES. INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line ZONING SUMMARY BZA Application #: 2024 ** BZA Application #: 2024 ** Notice Sent to Newspaper: 913024 Published: 10524 Notice Sent to Neighboring Property Owners: 913024 BZA Action: Approved Denied Approved w/ Conditions Vote: Decision Sheet signed: Expiration of Approval:
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line ZONING SUMMARY BZA Application #: 2024-2 Notice Sent to Newspaper: 9 30 24 Published: 10 5 24 Notice Sent to Neighboring Property Owners: 9 30 24
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line ZONING SUMMARY BZA Hearing Date: 10/10/24 BZA Application #: 2024-2 Notice Sent to Newspaper: 9/30/24 Published: 10/5/24
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line ZONING SUMMARY BZA Application #: 2024-2
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line ZONING SUMMARY
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED. Do not write below this line
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED.
Cash/ Check # CO1975 List of neighboring property owners provided? Yes No
Agen's Signature) (Date)
a application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby ce at the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.



FEICK DESIGN GROUP, INC. JOHN A. FEICK, ARCHITECT

OHIO REGISTRATION # 6088

Also Licensed in Michigan

Phone 419.625.2554 Fax 419.626.4414 feickja3@gmail.com

ATTACHMENT "A" DECISION STANDARDS Section 7.8.2.C.i - Area Variances:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

The present structure can remain as is and used as a summer cottage. But it is the intention of the owners to move in permanently and more room is needed for the entire family.

2. Whether the variance is substantial.

No. The present side-yard setback is 5'-0" and the existing house is 2'-3" off the property line.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance

No, from the street side there will be no visible difference of the property. The proposed addition is all to the rear of the existing structure and in line on both the north and south sides. The neighbor the the south is in alignment with the front of this structure. Sight lines??

- 4. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
 - No, there will be no affect on the delivery of governmental services. With the addition directly to the rear, access for governmental services remains unchanged.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.

No, the property owner was not aware of any zoning restrictions when they purchased the property.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Yes, it is possible that the addition could be constructed on the north side of the house rather than the west. However, the proposed addition is for an expanded bedroom area and a larger living room and kitchen area. An addition to the north would split the sleeping area apart and make it difficult to have a larger living room and kitchen area without making the proposed addition even larger. Additionally their drive way to the property is on the north side and putting the addition on the north side would push the drive further north and require the removal of an existing 36-inch diameter tree.

It is also possible to slide the addition 2'-10" to the north to keep the addition outside the 5'-0" setback. However, sliding over the addition would cause for a difficult interior alignment of new and old spaces

7. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

Yes. There would be no observable changes to the property from the street.

Nejdl Neighbors

EAJ LEGACY PROPERTY LLC 9551 MIKENNA RUN MACEDONIA OH 44056-2090

LITTLE TEDS COTTAGES
PO BOX 163
LAKESIDE MARBLEHEAD OH 43440-0163

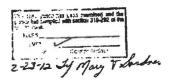
MERCKENS RUSSELL N JR & LINDA M 1675 CHURCH RD LAKESIDE MARBLEHEAD OH 43440-9475

LEAR RONALD F & MICHELE L 271 N WILLOW DALE RD LENDER #89684 LAKESIDE MARBLEHEAD OH 43440-1066

LYBARGER DALE E
281 N WILLOW DALE RD
LAKESIDE MARBLEHEAD OH 43440-1066

LYBARGER DALE E 281 N WILLOW DALE RD LAKESIDE MARBLEHEAD OH 43440-1066

201200218707
Filed for Record in
OTTAMA COUNTY, DHIO
VIRGINIA M. PARK, RECORDER
02-23-2012 At 11:08 am.
WRNIY DEED 28,00
OR Book 1374 Page 666 - 607



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that JOANN M. NEJDL, widowed and not remarried, (herein referred to as "Grantor") for valuable considerations, does hereby convey and grant, with general warrant covenants, to JOSEPH L. NEJDL, (hereinafter referred to as "Grantee") and whose tax mailing address is 3230 West Wallings Road, Broadview Hts., Ohio 44147, all of Grantor's right, title and interest in and to the following real property:

Situated in the Township of Danbury, County of Ottawa and State of Ohio:

Being Lots Nine (9) and Ten (10) and the South fifteen (15) feet of Lot Eight (8), Port Ann Allotment, Danbury Township, Ottawa County, Ohio.

P.N: 014-12485-16634-000

	Prior Instrument Reference:	of
	Ottawa County Records.	
×	East	

TO HAVE AND TO HOLD the premises aforesaid, with the appurtenances thereof, unto the said Grantee and the Grantee's successors and assigns forever. And Grantor does for Grantor and for Grantor's heirs, successors and assigns, covenant with Grantee and Grantee's successors and assigns, that at and until the ensealing of these presents, Grantor was well seized of the above described premises, as a good and indefeasible estate in fee simple, and has good right to bargain and sell the same in manner and form above written, and that the same are free from all encumbrances whatsoever except mortgages, reservations, conditions, limitations, easements and restrictions of record, zoning ordinances, if any, and real estate taxes and assessments, both general and special, which are a lien but not yet due and payable; and that Grantor will warrant and defend said premises, with the appurtenances thereunto belonging, to the Grantee and to Grantee's successors and assigns, against all lawful claims and demands whatsoever.

The Grantee is hereby granted the power and authority to protect, conserve, sell, lease, encumber, manage, convey or otherwise dispose of the premises and appurtenances aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand at Brecksville, Ohio, on January $__$, 2012.

Signed and acknowledged in the presence of:

DOWN M. NEODL

THE STATE OF OHIC

5.5.1

COUNTY OF CUYAHOGA

BEFORE ME, a notary public, in and for said County and State, personally appeared the above-named Joann M. Nejdl, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on January $\underline{19}$, 2012.

Notary Public

DANIEL P. SEINK, Attornoy
Notery Public-GTATE OF U.S.3
My commission has me explication-chaft
Section 197,03 AC

This Instrument Prepared By
And Return To:
Daniel P. Seink Co., Ltd.
Compass South Center
8180 Brecksville Road, Suite 109
Brecksville, Ohio 44141
[440] 546-0483
WWW.OhioElderLaw.com



Kathryn A. Dale, AICP Zoning & Planning Administrator

NOTICE OF REFUSAL

August 8, 2024

To Applicant/:

Joseph Nejdl

Owner

3230 W. Wallings Road

Broadview Hts., Ohio 44147

Application No.:

24-195

292 Gravel Bar

BZA Case No.:

Your application dated AUGUST 6, 2024, for a zoning certificate for a 23' x 36'4" ADDITION AND 8' "L" SHAPED COVERED PORCH ADDITION located at 292 GRAVEL BAR ROAD, MARBLEHEAD, OHIO 43440 is hereby refused on this 8th DAY OF AUGUST, 2024 under Article 3, Article 5 and Article 7 of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "R-C" Recreational Commercial.

Article 5, Section 5.1.3

General Regulations Applicable to All Districts

3. No building or structure shall be erected, converted, enlarged, or reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.

Article 5, Section 5.9.3

Lot Area, Lot Width & Building Setbacks for Dwellings in the "C-1", "C-2" and "R-C" Commercial Districts

For all dwellings in the C-1, C-2 or R-C districts, the following shall apply:

3. With both community water supply and community sanitary sewer treatment systems, the "R-3" requirements shall apply.

Article 3, Section 3.5

"R-3" High Density Residential Development Standards

The minimum setback requirements in the "R-3" zoning district are as follows:

Information Only – Reduced Setbacks Available Below

Minimum Front-yard Setback 25'
Minimum Rear-yard Setback 25'
Minimum Side-yard Setback 5'
Maximum Lot Coverage 40%

Article 5, Section 5.1.7

General Regulations Applicable to All Districts

7. Any lot of record at the time of the adoption of this Resolution may be used for a single-family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance with required district setbacks cannot occur, the following setbacks shall be maintained unless a variance is granted by the Board of Zoning Appeals.

Front-Yard Setback: 20'

Side-Yard Setbacks: .

5'

Rear-Yard Setback:

5'



Variance #2

- The property is part of the Port Ann Subdivision which was platted in 1951.
- The existing home is nonconforming because it is 2'8" from the south, side property line.
- The applicant is proposing to construct a 23' x 36'4" (831s.f.) addition onto the home which will align with the existing south wall at 2'8" where 5' is required.
- The applicant is also proposing and 8' wide "L" shaped, covered porch which will be set-in and meet the south, side yard setback requirement.

Article 7, Section 7.12.3.A. Nonconforming Uses

- A. The addition to or enlargement of a nonconforming building or structure shall be permitted provided it contains a permitted use and such addition or enlargement does not exceed twenty (20%) percent of the floor area contained in the original building or structure at the time of the adoption of this Resolution. All other requirements of the District (lot area, yards, etc.) shall be met unless a variance is obtained.
 - The existing structure is nonconforming because the house sits at 2'8" to the south, side property line (1'8" if an overhang is present) where 5' is required.
 - The original structure consists of 1,084s.f. A 12'x 16' rear sunroom is being removed and replaced by the new addition.
 - 20% would have allowed for 216.8s.f. of new space to be added.

• The applicant is proposing to construct a 23' x 36'4" (831s.f.) addition with an 8' wide "L" shaped, covered porch (464s.f.) onto the home, which further increases the amount of square footage onto a nonconforming structure. This will result in a 120% (1,295.f. total) increase to the original structure.

Article 7, Section 7.5.1.A states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided the Zoning Inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an **Area Variance** is necessary prior to proceeding with the proposed construction.

Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.

Kathryn A. Dale, AICP

Danbury Township Zoning & Planning Administrator

Note: The applicant has 20 days (per Section 7.8.2.A.i.) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. The Ottawa County building departments may also have comments that will need to be addressed before releasing permits.

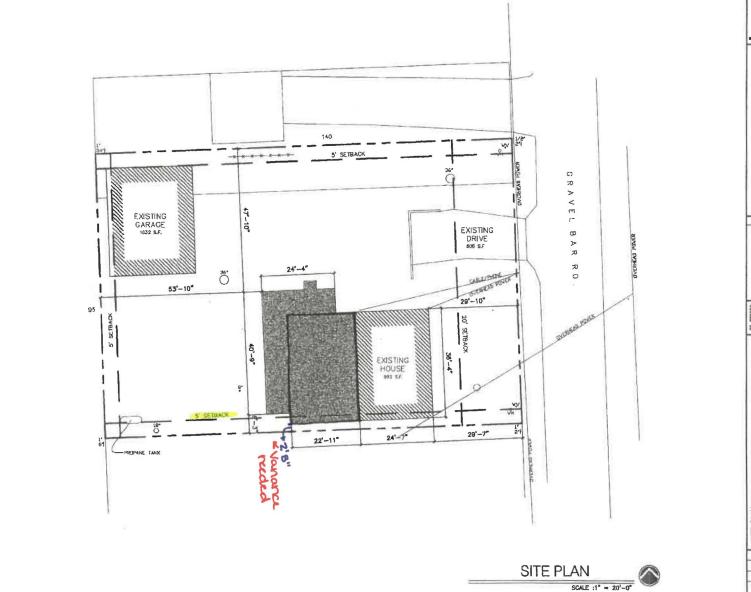
Danbury Township, Ohio

ZONING PERMIT APPLICATION

8/6/2024

M	272 E. Port Clinton Rd. (arblehead, Ohio 43440 5: (419) 734-6120 F: (419) 734-3137 0: www.danburytownship.com		e Filed:		2024	Application #: 2024 - 195 BZA Case #:
1.	Property Location: 292 Gravel Bar Road Subdivision For Property Existing Use 1 Family	Lot	# <mark>A MO</mark> posed Use	Zonin 702 23'	g District	R.C. 1 Family: Feduction Stepu Feduction
2.	Applicant John A. Feick City Sandusky Email: feickja3@gmail.com	State	Address Ohio		E Water 44870	Phone 4196252554
3.	Owner Joseph Nejdl City Btoadview Heights Email: shoprag2008hotmail.com	State_	Address Ohio			ngs Road Phone 4406654053
 4. 5. 	Contractor/ Architect Feick Design Group City Sandusky Email: feickja3@gmail.com Site Plan: Attach site plan for subject	State	Ohio	Zip_		Phone 4196252554
6.	Type of Improvement Residential Use New Single Family (w/Deck) New Two-Family New Multi-Family, No. of Units ✓ Addition Accessory Structure Decks or Patios Swimming Pools (above or inground) Walls or Fences Temporary Uses - Dates From: Signs - Permanent Docks sf. Other (specify)		Dimensi Add Acco Ten Sigr Wal Ren Doc	Building Bui	ding(s) f each Blo Structure y Uses - I ermanent Fences Tenant F nger, Mai	Dates From: To: Temporary

7	7. Project Descri	ption: 1 story a	ddition - 23 ×	36 and "L"	shaped (Hote) deck	
_		Remove	2 12×16 Su	nroom			
8	3. Are the propert	y line pins locate	ed or have you had a re	ecent survey of the lot? _	yes	(yes/no)	
9	residential use l Attach sketch o	list total area of lof lot, showing ex	iving space per floor a	l square footage of buil as well as total area of all proposed construction or a information:	applicable attachi	ments to the structure.	
	J. C.	Existing	Proposed		Existing	Proposed	
	Basement:	sf.	sf.	Front Yard Setback:	29.9 ft.	ft,	
10844	First floor:	892 sf.	831 sf.	Side Yard Setback:			
20%	Second floor:	To Kemain sf.	sf.	n_side:	57.9 ft.	47.9 ft. (1.67) to	
216.8	Third floor:	sf.	sf,	s side:	2.67 ft.	2.67 ft. Varan	
Hlowe	Garage/carport:	1032 sf.	sf.	Rear Yard Setback:	84.9 ft.	53.9 ft.	
2954	Decks/porches:	97 sf.	464 covered	(Setbacks are from the pro	perty lines, not the ed	ge of the road pavement)	
-	Breezeway: sf. sf.			Lot Coverage:			
120 9	Accessory:	sf.	sf.	A. Principal Building	Footprint:	2187 sf.	
Janan	Parking:	606 sf.	sf.	B. Total of Accessory	buildings:	1032 sf.	
· Keese	Other:	sf.	sf.	C. Lot Width x Lot D	epth = Lot Area:	13,300 sf.	
	Highest point o established grad	f building above de:ft.	the	$[(A+B) \div C] \times 100$			
NOTE: Private deed restrictions may need to be met in some areas of the township.						I P. P.I.A.P. IN PROPERTY IN	
Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time. The owner of this building or premises and the undersigned, do hereby agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Danbury Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct. 8/6/2024							
		(Ap	plicant's Signature)		(Date)		
Do not write below this line							
	ZONING CERTIFICATE						
Upon the basis of Application No. 24-195 the statements in which are made a part (is or isn't) found to be in accordance with the Danbury Twp. Zoning Resolution for the Zoning District. Danbury Township Zoning Inspector					Resolution and i	s hereby (approved or	
Date Application Received 87, 2024 Fee Paid \$ Cast						UTTU	
	Date Application R	- 1	rtificate refused, reason fo	Cash/ Check #	Attached		
Pormit radial for a narial of one (1) wear from date of is					oficano	CILCI	



4 21d vanance need for exceeding 20% addition onto mancaforming structure

FEICK DESIGN GROUP, INC., 1081 A. FEICK ABCHUTCT EN EAST WATE STREET, ABCHUTCT SANGUEST, 0830 (429)-085-2004

DATE NEVERONE

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NEJDL RESIDENCE HOUSE ADDITION FOR:

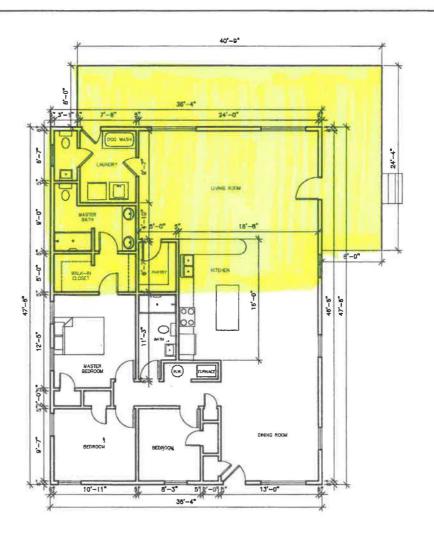
BAR RD. LAKESIDE MARBLEHEAD OH

SITE PLAN

DATE AUQUET IL, 8024 DAMEN BY TEN

OHEOGO BY

PROJECT HG. F-0046







FEICK DESIGN GROUP, INC.
JOHN'A. FRICK, ARCHITECT
224 AATT VARS STREAT
(449)-000-2004
(449)-000-2004

DATE REMBIONS

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[I]

NEJDL RESIDENCE

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PROJEST NO. F-0045

