

STAFF REPORT

Board of Zoning Appeals

Meeting Date: November 20, 2024

Case #: BZA-2024-266 Address: 399 Hidden Beach

Appellant: Scott Ziembowicz, Owner **Zoning**: "R-C" Recreational Comm.

Agent: Lee Short, Architect

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

into the north, side-yard setback (4.14' proposed/ 5' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than

permitted (20%; 194.8s.f allowed/60.4%; 589s.f. proposed).

SUMMARY:

The property is part of the Shrock's 2 Subdivision which was platted in 1947. The existing home is nonconforming because it is 4.33' from the north, side property line to the roof overhang. The applicant is proposing to construct a 9'8" x 20'8" (200s.f.) covered porch addition and 18' x 22' (389s.f.) garage addition onto the front of home which will align with the existing north wall and be 4.14' from the roof overhang to the north, side property line where 5' is required. The original structure consists of 974s.f. 20% would have allowed for 194.8s.f. of new space to be added. The covered porch and garage addition will result in a 60.4% (589s.f. total) increase to the original structure.

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 not getting all that much closer to the north, side property line than the existing house, the cause of the encroachment is due to the overhang of the new porch, and the lot coverage and front-yard setback is satisfied with the addition improvements. On the other hand, the garage portion could have been constructed as a detached structure at the rear of the property, once relocating the existing shed structures and would have met zoning requirements without needing the additional variance to the 20% limitation. According to the applicant's narrative statement, this is not possible because there is roughly only 8' of clearance on the south side of the house to access the rear of the property.

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 meet the front-yard setback and lot coverage.

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 somewhat aware of the zoning requirements at the time they purchased the property this Spring, but not specifically for this sort of project.

Whether or not the property owner's predicament can feasibly be obviated through some method other than a variance can be debated for the same reason as aforementioned, specifically regarding the ability to access the rear of the property. The applicant does not address why the porch addition, or the addition as a whole, could not be shifted southward or set-in to meet the north, side-yard setback. If the garage were moved to the back, the porch then could have been slightly reduced and then no variances would have been necessary.

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: October 25, 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

Danbury Township, Ohio BOARD OF ZONING APPEALS APPLICATION W
5972 E. Port Clinton Rd. Marblehead, Ohio 43440 E: (419) 734-6120 F: (419) 734-3137 Rejected Permit: 24-26 Application #: 2024-246 Action: Rejected Permit: 24-26 Approved Permit:
1. Property Location: 399 HIODEN BEACH RE
Parcel ID# 0142038632662000 Zoning District : "R-C" Rec. Comm.
Attach Deed For Complete Property Legal Description
Existing Use SF Home Proposed Use 22' × 30' Addition
2. Agent LEE SHORT ARCHITECT Address 5605 E. LA KEVIEW PR.
City PURT CLINTON, State OHIO Zip4345 Z. Phone 419-765-0066
Email: L SHURT & LAS ARCH. COM SCOTT ZIEM BOWICZ
3. Appellant/Owner LISA SIMPSON Address 8828 BELTON DRIVE
CityNORTH RIPGEVINE State OHO ZipA4039 Phone 586-703-8369
Email: SZIEMBAWICZ CHOTMAN-COM
Use an additional application if there is more than one owner making the request.
4. Specific Request: Area Variance Use Variance Special Exception Conditional Use Appeal
Chapter/Section Sec. 5.1.7 to allow addition to encreach into
north, Side Setback (4.14 proposed 5'regd)? Sec. 7.12.3.A to
exceed 70% addition (194.85 Fallowed 589 sf. 60.4% proposed)
Practical Difficulty (4 PEATTER THAN 20% ADDITION TO EXISTING HOM CONFORMING COTTAGE Attach Separate Narrative Statement 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, paties, sidewalks and decks, as well as the serback 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.

Notice Sent to No		20NING SUMMARY Published: 11 9 24 Owners: 11 4 24	BZA Application #: 2024-2
N.Quid. III depositation in consequent management		HE BZA DOCKET CALENDAR FOR LATE APPLICATIONS WILL NOT Do not write below this line	
Filing Fee = \$200.00	Legal Ad Fee \$ Cash/ Check #		ers provided? Yes No
	(Agent's Signature) (Appellant's Signature)	EN LEE SHORT	(Date)



architecture - planning - consulting

October 7, 2024

To: Danbury Township Board of Zoning Appeals

Re: Ziembowicz Cottage - Proposed Garage and Roofed Patio Addition

Dear Board Members:

The following is a description of the proposed project and the associated variances requested.

The owner recently purchased the property and would like to construct an addition comprised of a garage and a roofed patio. Due to side yard restrictions the addition is being proposed on the front, or street side, of the existing cottage. The proposed addition will meet the setback requirements on the south and west sides.

The variances requested are described below:

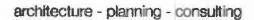
 a variance to allow the garage and roofed patio to be added to the existing nonconforming cottage - the addition will be in excess of the 20% addition allowed to a nonconforming building per the zoning code

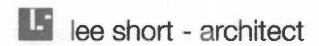
-a variance to the north side yard setback from the required 5' to 4.14'. This would allow the addition to match the existing overhang setback and eliminate the need for a small, some what cumbersome, offset in the overhang and gutter

Thank you, in advance, for your time and cooperation to review the requested variances.

Lee Short Architect

5605 east lakeview drive - port clinton, ohio 43452 419.732.1717 419-265-0066 cell - www.leeshortarchitect.com - ishort@lasarch.com





October 7, 2024

To: Danbury Township Board of Zoning Appeals

Re: 399 Hidden Beach Road Lakeside Marblehead. Ohio

Board Members:

The following are in answer to Section 7.8.2.C.i - Area Variances Decision Standards

- A The existing property would yield a reasonable return without the variance. The variance would allow for the addition of a garage and covered patio to the existing cottage which would result in an increase in property value.
- B The variance is not substantial inasmuch as the proposed addition meets the zoning setback requirements with the exception of the roof overhang on the patio side of the existing and the proposed addition.
- C The addition is being proposed to the front of the existing cottage since it not feasible to locate a garage at any other location on the property. Although the addition will block some view of the harbor, the addition, as proposed, is within the required 20' front yard setback.
- D No governmental services will be affected by the proposed addition.
- E The property owner was somewhat aware of the township zoning, but not familiar with the specifics as related to this project.
- F Although there is a rear yard to the property, the rear yard is not accessible due to the narrow (40') lot width. Therefore, the only possible location for the garage/patio addition is to the front of the cottage. The existing cottage was located on the site so as to allow the addition to the front and still remain within the required front yard setback.
- G I believe that the spirit and intent of the zoning requirement would be observed by granting the variance for the proposed project.

LIST OF NEIGHBORS

RE: 399 HIDDEN BEACH ROAD LAKESIDE MARBLEHEAD, OHIO

SHROCK'S MARINA P.O. Box 178 8725 NORTHSHORE DRIVE LAKESIDE MARBLEHEAD, OHIO 43440

JOEL & TRACY BRODMAN 128 WALLACE STREET FINDLAY, OHIO 45840

JAMES & MARY STALL 33 NEW STREET GREENWICH, OHIO 44837

GARY CRAWFORD 1270 ADARE ROAD MARION, OHIO 43302 JENNIFER J. WIDMER
Ottawa County Auditor
Fee: \$850.00
04/26/2024
TRANSFERRED
In Compliance with ORC 319.202
Deputy:KFoust
319

E-RECORDING 202400002423 Filed for Record in Ottawa County, Ohio Nathan J. Daniels, Recorder 04/25/2024 08:47 AM Recording Fees: \$34.00 WRNTY DEED OR 1986 / p893 - p894

GENERAL WARRANTY DEED

2034-04-7U8

David A. Ringler and Carol L. Ringler, married to each other, for valuable consideration paid, grants, with general warranty covenants, to **Scott R. Ziembowicz** and **Lisa M. Simpson**, for their joint lives, remainder to the survivor of them, the following real property:

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

And known as and being Lot Two (2), Block One (1) of Shrock Second Subdivision, recorded in Volume 7, page 25, Ottawa County, Ohio, Plat Records, a subdivision in said township.

Also hereby conveying to the Grantee, his heirs and assigns, all of the right and privilege we may have, and specifically do not warrant, of using the boat basin or slip located at the north end of the premises of Ira Shrock for purpose of mooring and operating therefrom one pleasure craft or row boat not to exceed 16 feet in length.

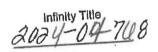
Permanent Parcel Number: 014-2038632662000

Property Address: 399 Hidden Beach Road, Lakeside Marblehead, OH 43440

Tax Mailing Address: 399 Hidden Beach Road, Lakeside Marblehead, OH 43440

Except a) any mortgage assumed by Grantee, b) such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the property, c) zoning ordinances, if any, and d) taxes and assessments, both general and special, not yet due and payable.

GENERAL WARRANTY DEED



David A. Ringler and Carol L. Ringler, married to each other, for valuable consideration paid, grants, with general warranty covenants, to **Scott R. Ziembowicz** and **Lisa M. Simpson,** for their joint lives, remainder to the survivor of them, the following real property:

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

And known as and being Lot Two (2), Block One (1) of Shrock Second Subdivision, recorded in Volume 7, page 25, Ottawa County, Ohio, Plat Records, a subdivision in said township.

Also hereby conveying to the Grantee, his heirs and assigns, all of the right and privilege we may have, and specifically do not warrant, of using the boat basin or slip located at the north end of the premises of Ira Shrock for purpose of mooring and operating therefrom one pleasure craft or row boat not to exceed 16 feet in length.

Permanent Parcel Number: 014-2038632662000

Property Address: 399 Hidden Beach Road, Lakeside Marblehead, OH 43440

Tax Mailing Address: 399 Hidden Beach Road, Lakeside Marblehead, OH 43440

Except a) any mortgage assumed by Grantee, b) such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the property, c) zoning ordinances, if any, and d) taxes and assessments, both general and special, not yet due and payable.

Each of the Grantors releases all rights of dower therein. Executed by **David A. Ringler and Carol L. Ringler,** the 23 day of Del , 2024. State of Ohio County of Cuya hog9 The foregoing instrument was signed and acknowledged before me this 23 Age 1 , 2024 by David A. Ringler and Carol L. Ringler. This is an acknowledgment, no oath or affirmation was administered. Witness my official signature and seal on the day last above mentioned. This document prepared by: David A. Freeburg, Co., L.P.A. JEANETTE MORGAN

Prior Instrument Reference: Book 331, Page 943

8228 Mayfield Rd, STE 5B

Chesterland, Ohio 44026

440 421-9161 D-2024-04-768 NOTARY PUBLIC, STATE OF OHIO

My Commission Expires July 24, 2024

Kathryn A. Dale, AICP Zoning & Planning Administrator

NOTICE OF REFUSAL

October 9, 2024

To Applicant/:
Owner

Scott Zienbowicz

8828 Belton Drive

North Ridgeville, Ohio 44039

Application No.:

BZA Case No.:

24-261

399 Hidden Beach

To Agent:

Lee Short, Architect 5605 E. Lakeview Drive Port Clinton, Ohio 43452

Your application dated OCTOBER 8, 2024, for a zoning certificate for a 22' x 27'8" GARAGE & COVERED PORCH ADDITION located at 399 HIDDEN BEACH ROAD, MARBLEHEAD, OHIO 43440 is hereby refused on this 9th DAY OF OCTOBER, 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

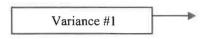
7. Any lot of record at the time of the adoption of this Resolution may be used for a single-family dwelling. Any lot of record that can comply with the required setback requirements of the district in which it is located shall be required to do so. However, on such lots in all districts where compliance 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'

The property is part of the Shrock's 2 Subdivision which was platted in 1947.

• The existing home is nonconforming because it is 4.33' from the north, side property line to the roof overhang.

The applicant is proposing to construct a 9'8" x 20'8" (200s.f.) covered porch addition and 18' x 22' (389s.f.) garage addition onto the front of home which will align with the existing north wall and be 4.14' from the roof overhang to the north property line where 5' is required.



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 is 4.33' from the north, side property line to the roof overhang where 5' is required.
 - The original structure consists of 974s.f.
 - 20% would have allowed for 194.8s.f. of new space to be added.

Variance #2

• The applicant is proposing to construct a a 9'8" x 20'8" (200s.f.) covered porch addition and 18' x 22' (389s.f.) garage addition onto the front of home. This will result in a 60.4% (589s.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 <u>20 days</u> (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.

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Safet Contract	ZONING PERMIT APPERCATION
D	anbury Township, Ohio
10	Date Filed: 10/8/24 Application #: 2024-261
Mary 10	
50	72 E. Port Clinton Rd. Approved Date: 10/9/24 BZA Case #:
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	Subdivision 5 th 2000 2 5050/(V(5/D) Lot # 2 Zoning District 12 C
	Existing Use FAMILY DESTOENCE Proposed Use FAMILY RESIDENCE
3	Applicant 61,000 7,000 0,000 0,000 0,000 0,000 0,000 0
der	Applicant SCOTT BIEMBOWICE Address 8828 BELTON DRIVE
	City 10274 RIDGENIUVE State 0410 Zip44039 Phone 586-703-8369
	Agesting To at Agesting Building Function X 2 2 CA
	Email: 3 BIEMBONICZ GHOTMAN, COM.
3.	Owner SCOTT ZKINBOWICZ Address 8828 BELTON DRNE
	City NORTH RIDGEVIVUE State 0410 Zip 44039 Phone 586-703-8369
	Email: SZIEMBOWICZ CHOTNAIL COM
	AMATE: Print or And within their meter words for your and the state of the state of the state of the
4.	Contractor/ Architect LEE StropT Address 5609 E LAKEVIEW DR.
	City PORT CLINTON State OH 10 Zip43452 Phone 419 - 265-0066
4.65	Email: LSHORT CLASARCH-COM
	Email: LSHORT CELASARCH-COM
	Site Plan: Attach site plan for subject property. See Instructions & Sample.
6.	Type of Improvement
9,71	Residential Use Non-Residential Use
	New Single Family (w/Deck) New Building(s)
	New Two-Family Dimensions of each Bldg.
	New Multi-Family, No. of Units
	Addition Addition
	Accessory Structure
	X Decks or Patios - CONFRED Temporary Uses - Dates From: To:
	Swimming Pools (above or inground) Signs – Permanent Temporary
	Walls or Fences Walls or Fences
	Temporary Uses - Dates From: To: Remodel/ Tenant Finish
	Signs - Permanent Temporary Docks, Finger, Main or Walkway - sf.
	Docks - sf. Other (specify)
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	One Academic Market On 10 Marchillagete mineral, can see for relined
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		iption:		9.67'x 20.67' _ PATE PATE		16424
8.	Are the propert	ty line pins l		ad a recent survey of the lot?	YE	2 (yes/no)
	residential use Attach sketch o	list total area of lot, showi dicate <i>north</i>	of living space per l ng existing buildings and provide the follo	total square footage of build floor as well as total area of all and proposed construction or a wing information:	applicable attac use for which ap	funents to the structure optication is made. Give
		Existing	Proposed		Existing	Proposed
	Basement:	, s	f. — sř.	Front Yard Setback:	40.51n.	20-151
974	First floor:	97148	f. sf.	Side Yard Setback:		21.12.
	Second floor:		f. — sf.	LLOPETH side:	4.35 n.	4 14 A reco
	Third floor:		f. — sf.	ZoJiM side:	7.87(n.	9-35 A
	Garage/carport	Andread of the Party of Street, or other Par	£ 359 st.	Rear Yard Setback:	35.94n.	55-94-n
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	Parking:	40048		B. Total of Accessory	The state of the s	1
	Other:	B		C. Lot Width x Lot Do	7000	4 1702 test 41 II
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