



STAFF REPORT

Board of Zoning Appeals
Meeting Date: November 20, 2024

Case #:	BZA-2024-274	Address:	2498 Knobhill
Appellant:	Sonja Toma, Owner	Zoning:	“R-3” High Density Res.
Request:	Request for Area Variances to Section 5.2.D.iii to allow for a detached accessory building to encroach into the north, side-yard setback (5' required/ 1' proposed), into the west, rear-yard setback (5' required/ 1' proposed) and to be separated from the existing house deck by 1.5' (5' required).		

SUMMARY:

The applicant is proposing to remove two existing sheds from the property which are currently 0' from the west, rear property line and 4' from the north, side property line. The applicant is proposing to install a new 20' x 24' detached garage, in the same general location as the existing sheds and the roof overhang of the proposed building will be 1' from the north, side property line and 1' from the west, rear property line where 5' is required from both property lines. The applicant has an existing 12' deck on the rear of the house and the proposed garage will be approximately 1.5' separation to the overhang where 5' is required. Based on the mathematical calculations for the lot, they should have closer to 7' but the aerial photo doesn't depict this accurately. Advise that a variance be applied for just in case.

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 is permitted to have an accessory structure.

The request is not substantial because the new garage will be in the same location as the existing sheds at the end of the driveway.

The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variances because the new structure will be the same distance from neighboring properties, is in the vicinity of other detached structures and is screened by existing vegetation along the rear property line.

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. While no utility extension is proposed, any extensions would have to be installed to the appropriate regulating agency's standards.

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

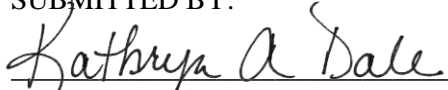
Whether the property owner's predicament can feasibly be obviated through some method other than a variance can be debated. The deck on the rear of the house makes it difficult due to the separation requirement and setback, which would make a building long and narrow as a side-entry and result in losing the entire rear yard. The applicant did look at whether a garage could be attached to the home, but due to finished floor elevations of the house and window locations, it would cause other issues for accessibility and to meet the residential building code.

The spirit and intent of the zoning resolution would be met because there are no known negative impacts to adjoining property owners and the structure will be no closer to the property lines than the structures that are currently on the property.

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
Garage Plans



Danbury Township, Ohio



BOARD OF ZONING APPEALS APPLICATION

5972 E. Port Clinton Rd. Marblehead, Ohio 43440
Phone: (419) 734-6120 Fax: (419) 734-3137
Website: www.danburytownship.com

Date Filed: 10/18/24 Application #: 2024-274

Action: _____

Rejected Permit: 2024- 263 Approved Permit: _____

1. Property Location: 2498 Knobhill

Parcel ID# 0141164015577000 Zoning District : "R-3" High Density Res.

Attach Deed For Complete Property Legal Description

Existing Use SF Home Proposed Use 20' x 24' Detached Garage

2. Agent _____ Address _____

City _____ State _____ Zip _____ Phone _____

Email: _____

3. Appellant/ Owner Sonja Toma Address 2498 Knobhill

City Marblehead State Ohio Zip 43440 Phone (440) 596-9243

Email: sonjat@yahoo.com

Use an additional application if there is more than one owner making the request.

4. Specific Request:

[X] Area Variance [] Use Variance [] Special Exception [] Conditional Use [] Appeal

Chapter / Section Request for Area Variances to Section 5.2.D.iii to allow for a detached accessory building to encroach into the north, side-yard setback (5' required/ 1' proposed), into the west, rear-yard setback (5' required/ 1' proposed) and to be separated from the existing house deck by 1.5' (5' required).

Practical Difficulty SEE ATTACHED NARRATIVE STATEMENT

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, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on

Applicant's Narrative Statement & Response to Decision Standard's

2498 Knobhill

Toma

Scope of Work:

Plan to have 20' x 24' garage built. This will replace two sheds currently in the space.

Decision Standards:

- A. The property in question **will not** yield a reasonable return or **cannot** be used beneficially without the variance because - this area is the only space that will allow access from the driveway.
- B. The variance **is not** substantial because - the garage will be no closer than current sheds. There should be more distance from deck than appears. Currently there is vegetation along the back of sheds. My neighbor recently received a variance for a garage.
- C. 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 - placing the garage in this space will replace the existing sheds and not be a detriment to the neighborhood. This site would be the least change possible to allow access without changing views for neighbors.
- D. The variance **would not** adversely affect the delivery of governmental services (I.e. water, sewer, garbage, etc.) because - utilities will not be extended to new building.
- E. The property owner **did not** purchase the property with knowledge of the zoning restriction because - the two sheds were already present. Originally purchased to be used in the summer. The property is now my primary residence and used all year.
- F. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because - having an attached garage would require losing all windows and access to side door on north side of house. Only a narrow entry to the garage would be possible. Removal of deck would be required without a variance and the deck provides only access to hot tub that is used for arthritis relief.
- G. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because - there would be sufficient fire, light and air separation with the variance.
- H. Other relevant factors, if any, considered include- this garage would provide storage for my car and golf cart during the winter. This would remove the danger of having to scrape ice and snow off car and decrease chance for falling. This would all be done without detriment to the neighborhood.

Addresses

Patrick and Rosanne O'Keefe
PO Box 461
Lakeside Marblehead, OH 43440-0461

Eric and Jane Ptak
2468 Knobhill Dr
Lakeside Marblehead, OH 43440-9490

Edward Rozak and Jane Ptak
2195 Majesty Ct
Akron, OH 44333-1283

Charles and Nancy Adams
34013 Hickory Ct
Avon, OH 44011-3717

William and Julianne Stevens
514 Meadowridge Way
Hudson, OH 44236-1182

Fred and Johanna Toma
2493 Knobhill Dr
Lakeside Marblehead, OH 43440-9490

Dan and Karen Fike
1275 Holopuni Rd
Kuala, HI 96790-8342

201000207993
Filed for Record in
OTTAWA COUNTY, OHIO
VIRGINIA M. PARK, RECORDER
12-02-2010 At 11:09 am.
WRNTY DEED 28.00
OR Book 1343 Page 294 - 295

This conveyance has been examined and the grantor has complied with section 319-202 of the revised code.
FEE \$ 282.00
EXEMP:
Jo Ellen Regal, County Auditor

12-2-10
by Karly Step dep.

WARRANTY DEED

Know all Men by these Presents, that Fred J. Toma and Johanna Toma, husband and wife, the Grantors, who claim title by or through instrument recorded in Volume 326, Page 124, Ottawa County Recorder's Office, for the consideration of Ten Dollars (\$10.00) and other valuable consideration received to their satisfaction of Sonja Toma, single, the Grantee, whose TAX MAILING ADDRESS is 6201 Regency Drive, Parma, Ohio 44129, do give, grant, bargain, sell and convey unto the said Grantee, her heirs, executors, administrators, successors, and assigns, the following described real property:

Parcel No. 1

Situated in the Township of Danbury, County of Ottawa and State of Ohio and being all of Lot No. 20 as the same is numbered and designated in the Bayside Subdivision, a subdivision of part of Lots No. 1 and No. 2, Section 2, Danbury Township, recorded in Plat Book 7, Page 4 of Ottawa County, Ohio.

Parcel No. 2

An undivided 1/26 interest in and to the following: Situated in Danbury Township, County of Ottawa, State of Ohio, and being the streets, roads, lanes and parks as shown on the plat of Bayside Subdivision in part of Lots 1 and 2, Section 2, in said Township, as the same are shown in Plat Book 7 Page 4, Recorders Office of Ottawa County.

PERMANENT PARCEL NO.: 014-11640-15577-000

(Balance of Page Intentionally Left Blank)
(Signature Page to Follow)

To have and to hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, her heirs, executors, administrators, successors and assigns forever. And the said Grantors do for themselves and their heirs, executors, administrators, successors and assigns, covenant with the said Grantee and her heirs, executors, administrators, successors and assigns, that at and until the ensembling of these presents, they are well seized of the above described premises, as a good and indefeasible estate in fee simple, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances whatsoever except restrictions, conditions and reservations of record, zoning ordinances, easements, if any, and any current taxes and assessments not yet due and payable, and that they will warrant and defend the premises, with the appurtenances thereunto belonging, to the said Grantee, her heirs, executors, administrators, successors and assigns, against all lawful claims and demands whatsoever.


Fred J. Toma


Johanna Toma

State Of Ohio)
Cuyahoga County) SS

Before me, a notary public, in and for said County and State, personally appeared Fred J. Toma and Johanna Toma, who acknowledged that they did sign the foregoing instrument and that the same is their free and voluntary act and deed.

In testimony whereof, I have set my hand at Cleveland, Ohio, this 1st day of October, 2010.

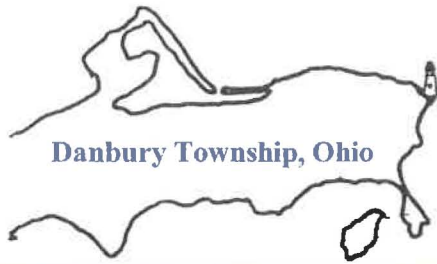

Notary Public, State of Ohio
My Commission Expires:

Instrument prepared by:
Wegman, Hessler & Vanderburg
A Legal Professional Association
6055 Rockside Woods Blvd., Ste. 200
Cleveland, Ohio 44131
Phone 216-642-3342
Fax 216-642-8826



MELODY KLEINHENZ
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Commission Expires 3/15/2015

NorthStar Title Services, LLC
1406 W 67th Street Ste 400
Cleveland, Ohio 44113
Order No 10193103



Kathryn A. Dale, AICP
Zoning & Planning Administrator

NOTICE OF REFUSAL

October 10, 2024

To Applicant/ Owner: Sonja Toma
2498 Knobhill
Marblehead, Ohio 43440

Application No.: 24-263
2498 Knobhill

BZA Case No.: _____

Your application dated **OCTOBER 10, 2024**, for a zoning certificate for a **20' X 24' DETACHED GARAGE** located at **2498 KNOBHILL, MARBLEHEAD, OHIO 43440** is hereby refused on this **10th 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-3" High Density Residential.

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 5.2.1.D.iii

Accessory Buildings

Variance #1, #2 & #3 →

D. *For lots with a principal building, the following shall apply:*

iii. *Shall be no closer than five (5) feet to the principal building, no closer than five (5) feet to the side lot line and no closer than five (5) feet to the rear lot line.*

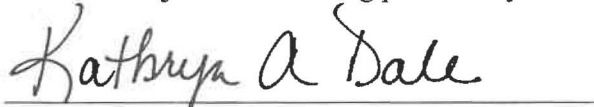
- The applicant is proposing to remove two existing sheds from the property which are currently 0' from the west, rear property line and 4' from the north, side property line.
- The applicant is proposing to install a new 20' x 24' detached garage, in the same general location as the existing sheds and the roof overhang of the proposed building will be 1' from the north, side property line and 1' from the west, rear property line where 5' is required from both property lines.
- The applicant has an existing 12' deck on the rear of the house and the proposed garage will be approximately 1.5' separation to the overhang where 5' is required. Based on the mathematical calculations for the lot, they should have closer to 7' but the aerial photo doesn't depict this accurately. Advise that a variance be applied for just in case.

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 7.9.2.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 Resolution provisions. This review is only for compliance with the zoning regulations. The Ottawa County Building Department may also have comments that will need to be addressed before releasing permits.



Danbury Township, Ohio

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

ZONING PERMIT APPLICATION

Date Filed: 10/10/24 Application #: 2024-263

~~Approval~~ ^{Refusal} Date: _____ BZA Case #: _____

1. **Property Location:** 2498 Knobhill - 0141164015577000

Subdivision Bayside Subdivision Lot # 20 Zoning District "R-3" High Density Res.

Existing Use SF Home Proposed Use 20' x 24' Detached Garage

2. **Applicant** Sonja Toma Address 2498 Knobhill Drive

City Marblehead State Ohio Zip 43440 Phone (440) 596-9243

Email: sonjat@yahoo.com

3. **Owner** Same as Above Address _____

City _____ State _____ Zip _____ Phone _____

Email: _____

4. **Contractor/ Architect** JDM Structures - Willard Address 5840 Co. Rd. 201

City Millersburg State Ohio Zip 44654 Phone (330) 893-3674

Email: Willard Martin - Willard@jdmstructures.com

5. **Site Plan:** **Attach site plan for subject property. See Instructions & Sample.**

6. **Type of Improvement**

<u>Residential Use</u>	<u>Non-Residential Use</u>
<input type="checkbox"/> New Single Family (___ w/Deck)	<input type="checkbox"/> New Building(s)
<input type="checkbox"/> New Two-Family	Dimensions of each Bldg. _____
<input type="checkbox"/> New Multi-Family, No. of Units _____	_____
<input type="checkbox"/> Addition	<input type="checkbox"/> Addition
<input checked="" type="checkbox"/> Accessory Structure	<input type="checkbox"/> Accessory Structure
<input type="checkbox"/> Decks or Patios	<input type="checkbox"/> Temporary Uses - Dates From: _____ To: _____
<input type="checkbox"/> Swimming Pools (above or inground)	<input type="checkbox"/> Signs - Permanent _____ Temporary _____
<input type="checkbox"/> Walls or Fences	<input type="checkbox"/> Walls or Fences
<input type="checkbox"/> Temporary Uses - Dates From: _____ To: _____	<input type="checkbox"/> Remodel/ Tenant Finish
<input type="checkbox"/> Signs - Permanent _____ Temporary _____	<input type="checkbox"/> Docks, Finger, Main or Walkway - _____ sf.
<input type="checkbox"/> Docks - _____ sf.	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Other (specify) _____	_____

7. **Project Description:** Install/Construct 20' x 24' Detached Garage

8. Are the property line pins located or have you had a recent survey of the lot? Yes. (yes/no)

9. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate *north* and provide the following information:

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
Basement:	_____ sf.	_____ sf.	Front Yard Setback:	<u>20'</u> ft.	<u>76'</u> ft.
First floor:	<u>840</u> sf.	_____ sf.	Side Yard Setback:		
Second floor:	_____ sf.	_____ sf.	<u>N</u> side:	<u>18'</u> ft.	<u>1'</u> ft. ** Variance Needed
Third floor:	_____ sf.	_____ sf.	<u>S</u> side:	<u>4'</u> ft.	<u>22'</u> ft. ** Variance Needed
Garage/carport:	_____ sf.	_____ sf.	Rear Yard Setback:	<u>30'</u> ft.	<u>1'</u> ft. ** Variance Needed
Decks/porches:	<u>96/112</u> sf.	_____ sf.	<i>(Setbacks are from the property lines, not the edge of the road pavement)</i>		
Breezeway:	_____ sf.	_____ sf.	Lot Coverage:		
Accessory:	<u>288TBR</u> sf.	<u>480</u> sf.	A. Principal Building Footprint:		<u>952</u> sf.
Parking:	_____ sf.	_____ sf.	B. Total of Accessory buildings:		<u>480</u> sf.
Other:	_____ sf.	_____ sf.	C. Lot Width x Lot Depth = Lot Area:		<u>5,000</u> sf.
Highest point of building above the established grade:	_____ ft.	<u>12'</u> ft. ** Variance Needed for 1' Separation from deck where 5' required	[(A + B) ÷ C] x 100 = <u>28.6</u> %		

NOTE: Private deed restrictions may need to be met in some areas of the township.

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.

Angie Tome
(Applicant's Signature)

10/10/2024
(Date)

Do not write below this line

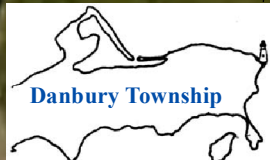
ZONING CERTIFICATE

Upon the basis of Application No 24-263 the statements in which are made a part hereof, the proposed usage (is or ~~isn't~~) isn't found to be in accordance with the Danbury Twp. Zoning Resolution and is hereby (approved or ~~rejected~~) rejected for the R-3 Zoning District.

Kathryn Adale
Danbury Township Zoning Inspector
597 E. Port Clinton Road, Marblehead, Ohio 43440

Date Application Received 10/10, 20 24 Fee Paid \$ \$NO FEE Cash/ Check # -
Date Application Ruled On _____, 20____ If certificate refused, reason for refusal: See Attached Letter

Permit valid for a period of one (1) year from date of issue.

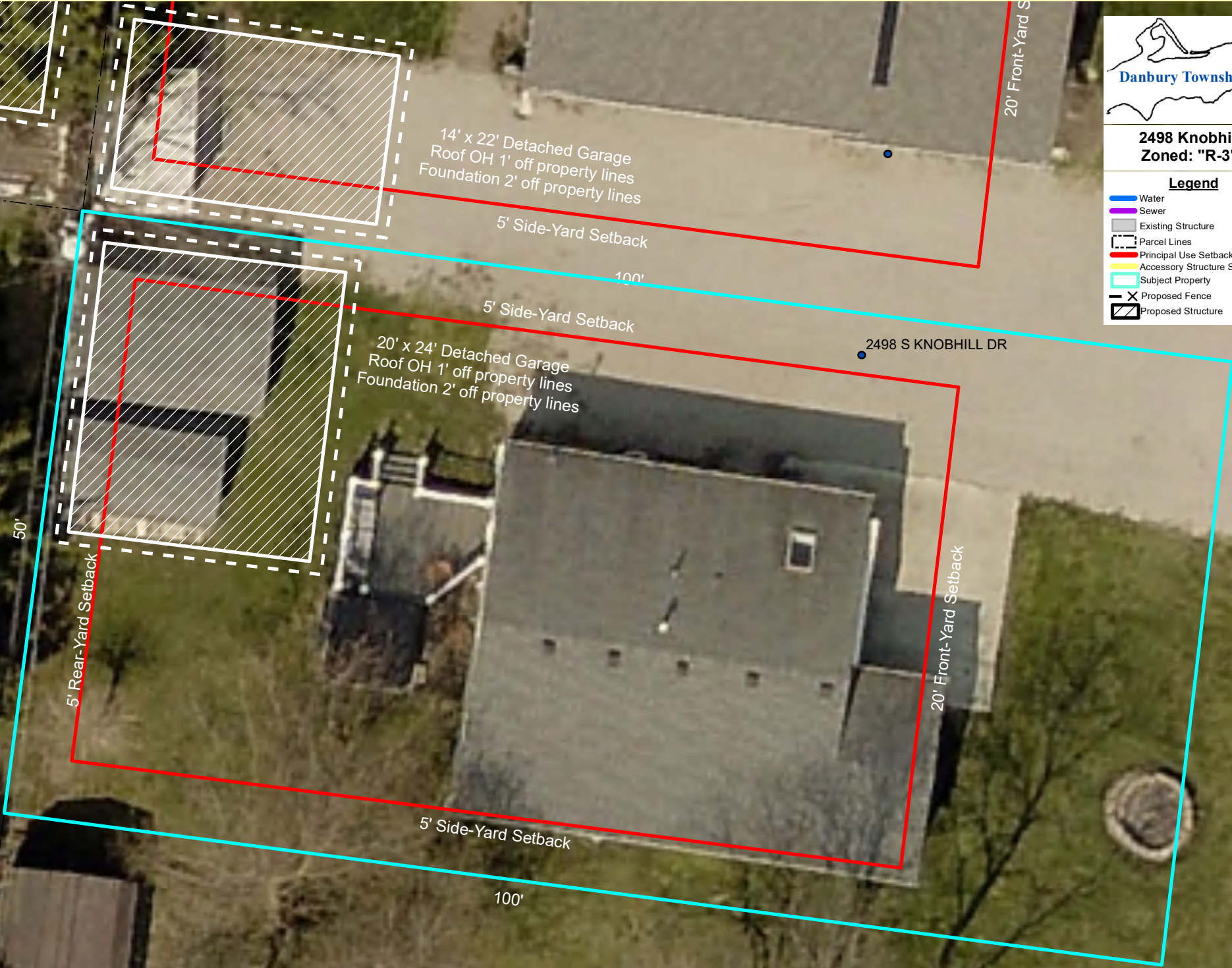


Danbury Township

2498 Knobhill
Zoned: "R-3"

Legend

- Water
- Sewer
- Existing Structure
- Parcel Lines
- Principal Use Setbacks
- Accessory Structure Setbacks
- Subject Property
- Proposed Fence
- Proposed Structure



2023 Aerial
** Not a Survey**

COLOR SELECTIONS

Building Depu



ROOF

 Medium Gray

COLOR 1

 Primed

COLOR 2

 Primed

COLOR 3

 Primed

SIDING

 Primed

CORNER TRIM

 Primed

FASCIA

 Primed

DRIP EDGE

White

ALUMINUM MULLIONS

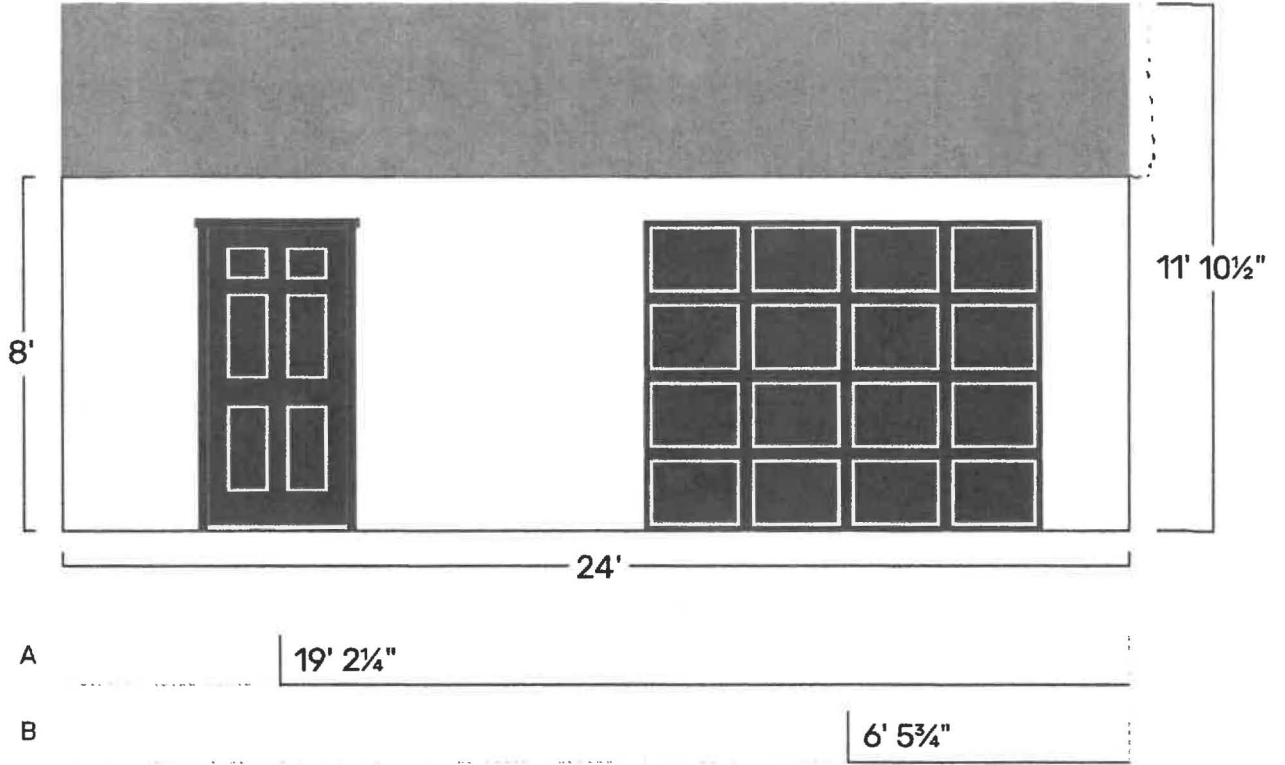
White

GARAGE DOOR

White

Wall A

A

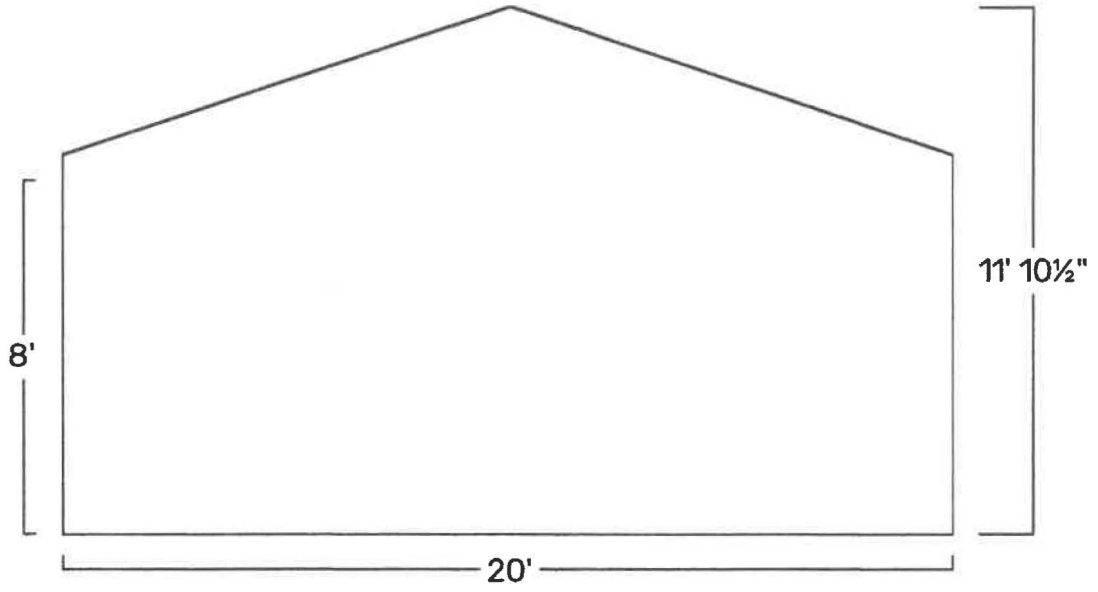


Measurements are to center from right siding edge

	description	finish
A	DOOR: Fiberglass solid 6-panel door 36" single	N/A
B	DOOR: Garage Door 9' by 7' Paneled; Additional Remote Openers, each	Casing Primed

Wall B

B



Measurements are to center from right siding edge

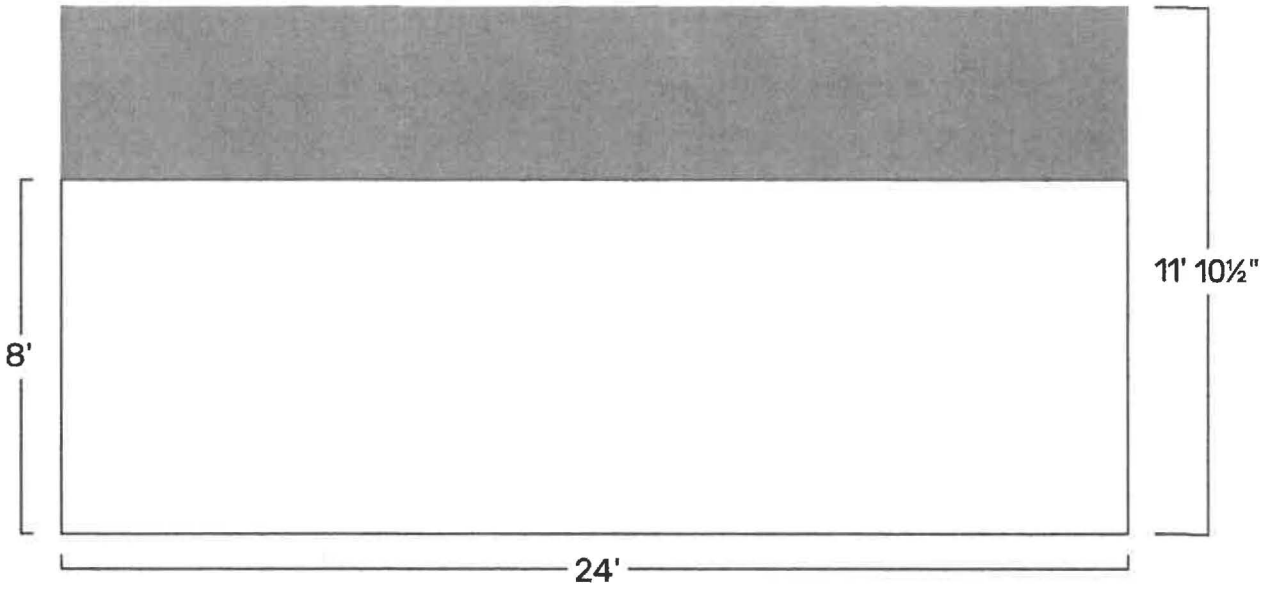
description

finish

no items

Wall C

C



Measurements are to center from right siding edge

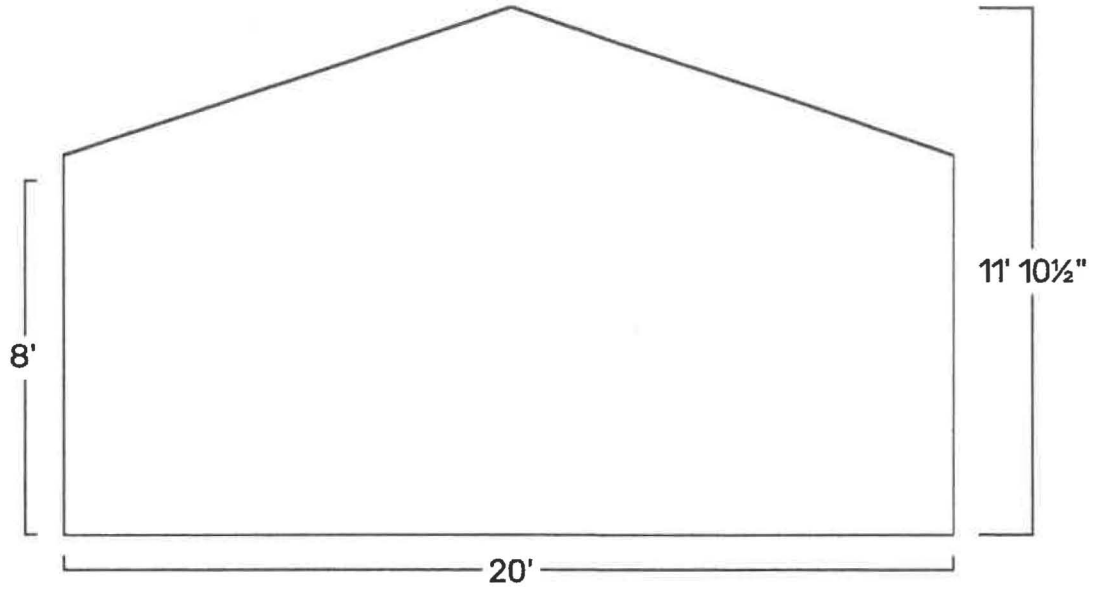
description

finish

no items

Wall D

D



Measurements are to center from right siding edge

description

finish

no items