

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

October 16, 2024

Held _____

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:01p.m. by Chair, Mr. 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, Mr. Joseph Fetzer, Ms. Loretta Grentzer, and Alternate, Ms. Julie Cottingham. Alternate, Mr. Joseph Kruse was excused. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Joseph & Debbie Nejd, John Feick, Gabe Gerard & 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 introduced the first case of the evening.

**Adjudication Hearing
Case BZA #2024-245
292 Gravel bar
Nejdl**

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).

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 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% (1,295s.f. total) increase. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

The Chair asked if there were any other questions for Ms. Dale. There were none.

Joseph Nejdl, Owner, 292 Gravel Bar, Marblehead, Ohio, was called upon and sworn in. Mr. Nejdl 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. Nejdl stated that the reason why we're here is we own a house in Broadview Heights, and we've been up here for, I think, 14 years that this house. We're going to sell our house in Broadview Heights and hopefully move up here full time. The reason why we're asking for the variance is because we have a large family. We only have one bathroom in the house now, so we'd like to expand and get another bathroom. We have five kids together, plus we have five grandkids, and during the holidays and stuff, we usually host all the holiday things. And the house we have now, we really can't do that very well, there's nowhere to sit. So that's why we're asking for the variance. So, we can build a nice house and have our family come up so we can be there altogether.

The Chair asked if any Board Member had any other questions for the appellant? Ms. Grentzer asked how many bedrooms will you have? Mr. Nejdl responded that they have three bedrooms now and that will remain the same. Ms. Grentzer clarified that they will also end up having 2 bathrooms. Mr. Nejdl said 2½, they will be adding a half bath as well.

Mr. Shetler clarified that they only need a side-yard setback variance. Ms. Dale said they need two variances, one for the side-yard setback and one to exceed the 20% addition limitation.

John Feick, Architect on behalf of the owner, 224 E. Water Street, Sandusky, Ohio, was called upon and sworn in. Mr. Feick said our narrative speaks for itself. Just a couple of additional things. When anybody buys property, I don't care where it is, you look at what you got, and you feel that it must have met the zoning code. When this house was built, it didn't. They bought it already encroaching into a setback. They didn't know to the extent that it did, until we got involved in doing the addition and property survey, so we know exactly where the house sits from the property lines, which determines where we were. So what we'd like to do, though, even though it encroaches, is keep everything in line,

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make it look like it was always part of the house when it's all said and done. By offsetting it to meet the setback, it would look awkward and very much look like an addition. It can always be framed to meet the requirements, but if we keep everything in line, where the walls are in line, the roof will be aligned as well. We can build trusses to fit. It's just going to be an easier build for them, and obviously it'll be less costly if we keep things simple.

The other thing that we did was talk to their neighbors. The one this affects the most is the neighbor to the south. You have a site plan, but I put another one together that I'll give you. Ms. Dale stated that he has brought with him an updated site plan that shows the neighboring house location to the south. Ms. Dale said that this will be entered into the record as Applicant's Ex. 3. Mr. Feick continued; it shows two things. Number one, the houses are fairly close together. They were both built tight to the common side property line. The other thing is, if you've been out to see the property, down the property line, where the two houses face each other, there are no big picture windows. There's no patio around that side. The rear of their house is the same. Even though the addition could be built there, it's not really going to block any view, because their view is to the rear. The view to the north will be blocked by their existing garage. They did and have talked to their neighbors. The neighbor to the one side, which is the closest one, and I don't want to put words in Mr. Nejd's mouth, but what he told me was that they talked, and they're very pleased with it. The neighbor on the other side isn't really affected because of how far they are really, but that neighbor happens to be their daughter, so they didn't have a complaint.

So, while things could work out if we offset the addition, and Ms. Dale did review this with us, because we've been at this for a couple of months now, but she gave us a couple of ideas on what we should do. We did that. We shifted the deck over so it didn't encroach, and it will now be offset so it does not go into the side-yard setback. There are a couple other things that Ms. Dale review as far as alternative possibilities. It's not that we discarded those suggestions, but that since they're moving up here full time, it's not likely to ever split this lot in two, because that was one of the suggestions, if you split the two it would change how this addition is done. The other thing is that the property slopes off to the north. If we had moved the addition to the other side, a.) it would block where the driveway is and b.) the foundation is going to get real deep (or exposed), they have no plans for a basement, just a shallow crawl space. So, we're trying to keep this thing fit into a budget so they can move up here. They intend to move up before they sell their house, and so that would be happening later. So other than that, if you have any other questions, I'd be happy to answer.

The Chair asked if any Board Member had any other questions for Mr. Feick? There were none.

Debbie Nejd, Owner, 292 Gravel Bar, Marblehead, Ohio was called upon and sworn in. Mrs. Nejd said, the house that we have now is tiny. We do have three bedrooms, and they're sufficient. What we're asking for in the addition is a laundry room. My laundry room was on that back porch that we're going to knock down, and if we're here in the winter, that back porch wasn't insulated, so I would have nowhere to put my washer and dryer. The kitchen is super tiny that's existing now and I love to cook for my family. I don't have any counter space. I have four cupboards. So, in the addition, we would be expanding the kitchen so that I could prepare a meal for my family. The other part of the addition is just enlarging the living room and dining room, so we can eat together as a family. So that's all. I just wanted to say, it's not, it's, you know, not fancy, it's just enough to maintain our family. Thank you.

The Chair asked if any Board Member had any other questions for Ms. Nejd? There were none. The Chair asked if there was anyone present withstanding who wanted to testify. There was none.

Ms. Grentzer 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. Roberts motioned to recess into executive session to deliberate the merits of the case. Mr. Fetzer seconded the motion, and the roll call vote was as follows: Ms. Grentzer – yes; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 6:20p.m.

Ms. Roberts moved, and Mr. Huffman seconded the motion to reconvene. The roll call vote was as follows: Ms. Grentzer – yes; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 6:41p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-245:

With regard to BZA-2024-245 being a 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) for the property located at 292 Gravel Bar:

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 and

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the restrictions are not so restrictive that they prohibit the property owner from making any improvements to the property.

2. The request **is** substantial because the house is more than doubling in size.
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 addition matches the style of the existing house and all the work to take place will be predominately at the rear of the property.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) since utilities are existing and available to the property.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property in 2010.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance in regard to the side-yard setback by setting the addition in or placing the addition on the north side of the house but cannot feasibly obviate the need to exceed the 20% addition limitation due to the small size of the existing home.
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.

Mr. Huffman 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.

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

Motion Seconded by: Ms. Roberts. Roll Call Vote was as follows: Ms. Grentzer – yes; Mr. Fetzer – 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 November 20, 2024.

**Adjudication Hearing
Case BZA #2024-251
7479 E. Harbor Road
Gerard**

Request for an Area Variance from Section 5.2.D.iii to allow for a leanto/porch addition onto an existing garage to encroach into the east, side-yard setback (0' proposed/ 5' required) and Section 7.12.3.A to allow more square footage to be added onto a nonconforming structure than permitted (20%; 80s.f. allowed/ 28%; 112s.f. proposed).

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. Grentzer moved, and Mr. Huffman seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale stated that 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. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

The Chair asked if there were any other questions for Ms. Dale. There were none.

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Gabe Gerard, Owner, 7479 E. Harbor, Marblehead, Ohio 43440 was called upon and sworn in. Mr. Gerard 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. Gerard said thank you for your time. I didn't know I was going to have to give a presentation, so I apologize. Yeah, this was kind of, we got caught with our hand in cookie jar a little bit. I didn't realize that this. As Ms. Dale mentioned, the space between our houses is a little awkward, and when we bought the property, we were, like a lot of properties up here, very close and weren't sure what we were walking into. Fortunately, we've developed a really close bond with our neighbors, and we've discussed kind of what to do in this area, this grass that we have to maintain and cut and do all that. We discussed doing different things there and we did. Ms. Dale mentioned we did a porch, and we were kind of looking for something to do to put our grill somewhere and so we could kind of have a grilling station with our neighbors. So that's what the lean to was for, to just come off the front of the garage. We put a Blackstone and a grill under there so that we could share and kind of be out of the elements.

Much like the last group, we have two families and six boys between us, with girlfriends and whatnot. So, we have large groups, and we're constantly entertaining so as do our neighbors. So, we have group parties together, you know, often, you know, 15 to 25 people. So, it was just an area to share and enjoy together. So I one thing I guess I would like to point out, and Ms. Dale brought this up, and I'm sure it's an issue for you guys, when you grant these kinds of things, or if you look at these, the concern would be, is, if they sold the property, if we sold the property, what happens with the next people. The neighbors we're talking about, she has a 99-year trust on her house that doesn't start until she passes, and she's 56 years old. So, I don't think - it's not going to sell anytime in the near future. So certainly, happy to answer any questions. If you have any thoughts.

Ms. Grentzer indicated that she had a question. If you had received permits in the past, it says 2019 and you were aware of the setback requirements, why did you go ahead and build this before you got another permit? Ms. Gerard said, yeah, if I'm being honest, I was just - the neighbors we talked about it and we were just looking for someone to do with the space. I think she did mention it is a straight line that comes from the driveway and shoots inward. Our property line, it kind of funnels, and we have like five feet of frontage. So, we honestly just didn't really think much about it. Ms. Grentzer said it was fairly good construction to not think that a permit would have been required. Honestly, we're doing an addition now (on the house), and when, that's how this all started, we're getting the permits for that. We got a permit the first time. I'm a rule follower. I certainly didn't have any intention of breaking the rules or hiding it by any stretch. Ms. Grentzer said, but you did. Mr. Gerard said, I understand, yes, and it was certainly not our intention. Like I said, the neighbors were fully involved with what we were doing, and certainly in hindsight, it's easy. Now as we look back, we see that we should have done that. So, we were we're trying to improve the property and improve our enjoyment value for the property, with us and our neighbors. I think it's very cute and enhanced the property and the aesthetics of it. So yeah, again, I don't know what to say, other than I'm sorry and we're trying to do things the right way. Thus, we've gotten our second permit now for this new addition (on the house).

Mr. Fetzer asked Ms. Dale, not all the porch is in the setback, though, correct? Only a triangular portion of the corner? Ms. Dale responded, correct.

Mr. Shetler clarified, and the property owner that you're next to actually help you build it? Mr. Gerard said, yeah, we help each other, and we do a lot of projects together, and that was one of them. Mr. Shetler asked Ms. Dale, when did they build this? Mr. Gerard asked Mr. Shetler to repeat the question. Mr. Gerard said, it would have been 2022 probably, during covid, I guess. Ms. Dale said, we didn't notice it because there's not been any, as you guys probably saw that the property, it's a long lane back there. We've not had any reason to really go back there, because we've had no open permits for anything back there. I don't think it showed up in the Spring 2021-2022 aerial photograph, but it showed up in the 2023-2024 spring aerial photograph. So, when he came in to apply for his house addition, that's when I saw it in the aerial photograph, and I reached back out to him, and I said, we have a little bit of a problem here...and asked him when did that get built? So that's, that's why we're here.

Ms. Grentzer clarified, so you're putting up another addition? Mr. Gerard said, we are, yes, on the house, a second story. Ms. Roberts asked if they need a variance for that. Ms. Dale said no. Ms. Grentzer commented that it was hard to find. Mr. Gerard agreed and said that is part of why they love it there.

The Chair asked if there were any other questions from the Board. There were none.

The Chair asked if there was anyone else in the room that wished to speak on this matter that was not signed in for this case. There were none.

Mr. Fetzer 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. Roberts motioned to recess into executive session to deliberate the merits of the case. Ms. Grentzer seconded the motion, and the roll call vote was as follows: Ms. Grentzer – yes; Mr. Fetzer –

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yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 6:56p.m.

Ms. Grentzer moved, and Mr. Huffman seconded the motion to reconvene. The roll call vote was as follows: Ms. Grentzer – yes; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:07p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-251:

With regard to BZA-2024-251 being a request for Area Variances from Section 5.2.D.iii to allow for a leanto/porch addition onto an existing garage to encroach into the east, side-yard setback (0' proposed/ 5' required) and Section 7.12.3.A to allow more square footage to be added onto a nonconforming structure than permitted (20%; 80s.f. allowed/ 28%; 112s.f. proposed) for the property located at 7479 E. Harbor Road:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because property can continue to be used for a single-family residence with a detached garage.
2. The request **is not** substantial because the garage is preexisting and already encroaches into the side-yard setback and the leanto is co-used by the neighboring property owner. The lot is also quite irregular with sharply angled lot lines making structures tough to conform to the setback angles.
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 leanto addition is only visible to those utilizing the garage and is in scale with the building.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) since utilities are existing and available to the property.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property in 2017. However, the property owner received prior permits in 2019 for improvements to the house and was aware of the setback requirements at that time.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by reducing the size of the leanto.
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.

Mr. Fetzer 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) (2) (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.

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

Motion Seconded by: Mr. Huffman. Roll Call Vote was as follows: Ms. Grentzer – yes; Mr. Fetzer – 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 November 20, 2024.

Approval of Board of Zoning Appeals September 18, 2024, Regular Meeting Minutes

Ms. Roberts made a motion to approve the September 18, 2024, regular meeting minutes as presented. Mr. Huffman seconded the motion. All were in favor, motion carried.

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Signing of Decision Sheets

The Chair asked if the Board had the opportunity to review the Decision Sheets presented for the following cases. Mr. Fetzer motioned for approval of the decision sheets as presented. Ms. Roberts seconded. All were in favor and the motion carried.

- a. **BZA-2024-216 6050 E. Port Clinton Eastern.** Request for an Area Variance from Section 5.2.1.D.i to allow for a detached garage to exceed the 20' building height requirement (22'2" proposed). **William & Deborah Steinbrick, Owners/ Applicants.**
- b. **BZA-2024-218 222 Willowdale.** Request for an Area Variance from Section 5.1.7 to allow for a deck to encroach into the west, front-yard setback (17' proposed/ 20' required). **Craig & Annette Parsell, Owners/ Applicants.**
- c. **BZA-2024-221 7816 & 7834 E. Harbor Road.** Request an Area Variance from Section 3.5 to allow for a lot split that results in two new parcels that will each contain less than the 1-acre minimum lot size (0.5629ac. for 7816 E. Harbor Rd. & 0.8889ac. for 7834 E. Harbor Rd.). **Carol Bushee-Dunfee, Owner/Applicant.**

Unfinished Business

There was none.

New Business

There was none.

Other Business

There was none.

Reports and Communications from Members and Staff

Mr. Huffman shared that he will not be present for the November & December meetings.

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 7:14p.m.

Kathryn A Dale
RECORDING SECRETARY

Clyde Shetler
Clyde Shetler

Sherry Roberts
Sherry Roberts

Greg Huffman
Joseph Fetzer

Loretta Grentzer
BOARD OF ZONING APPEALS