

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

November 20, 2024

Held \_\_\_\_\_

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:00p.m. by Chair, Mr. Clyde Shetler at the Township Hall. The Pledge of Allegiance was recited. The Chair requested a moment of silence in remembrance of Ms. Loretta Grentzer who passed away November 3, 2024.

The roll call showed the following members present: Chair, Mr. Clyde Shetler, Vice-Chair, Ms. Sherry Roberts, Member, Mr. Joseph Fetzer, Alternate, Ms. Julie Cottingham and Alternate, Mr. Joseph Kruse. Secretary, Mr. Greg Huffman, was excused. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Lee & Linda Short, Scott Ziembowicz, Sonja Toma, Brad Hutcherson, Gaylord Taylor, Crystal Dashiell, Wendy Stahanczyk, Tom Dearth, Carol Arntz-Luebcke, Corinna Efkekan.

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 #2024-266**  
**399 Hidden Beach Road**  
**Ziembowicz**

**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).**

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 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. 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.

**Scott Ziembowicz**, Owner, 399 Hidden Beach, Marblehead, Ohio, was called upon and sworn in. Mr. Ziembowicz 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. Ziembowicz stated that they are looking to be more full-time here and need a garage. The problem with building the garage in the back of the house is that there are steps coming off the side of the house to enter into the house and that only leaves eight feet along the side of the house for a vehicle to get by. With the garage in front, they are going to remove some of those doors and have a connecting garage for wintertime. That will be to keep the cars covered. They want the porch because it is a nice view of the lake there. He stated he did have sign offs from both of his adjacent neighbors that they are okay with the project and what they are doing. He said he is just looking to get a little more space, because it is only 900 square feet, mainly for storage.

The Chair asked if any Board Member had any other questions for the applicant. There were none.

**Lee Short**, Architect on behalf of the property owner, 5605 E. Lakeview Drive, Port Clinton, Ohio, was called upon and sworn in. Mr. Short stated that he had the sign off sheets from the three neighbors and presented them to the Board. He stated the first one is from the neighbor, as you stand in the road to the right, which would be to the south, would be the neighbor whose view would be blocked. He stated that this neighbor is fully aware of what they are proposing and does not have a problem with it. The second letter is from the neighbor to the north and the third is from Shrock's Marina which is to the rear. Ms. Dale confirmed that Shrock's was the neighbor to the east. The letters were entered as Applicant's Exhibit #3. Ms. Dale stated that the three letters of support were from Chad Adcock of 393 Hidden Beach Road, Tracie Brodman of 405 Hidden Beach Road, which is to the north

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24

and Dave Shrock of 413 Hidden Beach Road, which is to the north and not to the east as previously stated.

Mr. Short stated that when he met Scott Ziembowicz on the site, he explained what he would like to do. At that time, Mr. Short asked him why they were putting a garage on the front of the property. Mr. Short continued that there was a nice backyard, and they should treat it as an accessory building set five feet from property lines. Mr. Ziembowicz alluded that there is only eight feet, with the steps coming out, and made it nearly impossible to drive to the back of the property. Putting the garage in the back would be impossible without reconfiguring entrances and things like that. There are two sheds in the backyard now. They had discussed taking down the sheds and putting a two-car garage back there. When Mr. Ziembowicz bought the property, he did not realize what was proposed down the road and there simply is not any way to provide access for a vehicle to the back. The gist of this project was trying to create something in which he could park his truck. The proposal is a bit of an oversized one car garage, 18 feet wide. This is a single car garage plus a little room for toy storage and that kind of thing. The first variance they are asking for is an increase over the 20% of the nonconforming existing structure. The existing structure is a little over five feet on the north side. With the overhang, that would leave 4.33 feet on the north side. He stated he could meet the code and adjust his overhang to the five feet, but it would leave a strange notch in the gutter system and the overhang. For aesthetic purposes, they would like to match the existing overhang.

Regarding the over 20%, they meet the front yard setbacks and the side yard setbacks on the south side. They do not meet them on the north side. The reason for the 4.14' is based on the survey information they received; the existing cottage is sitting a little askew and he came up with the math that was 4.14' to the new overhang. Mr. Short presented a colored rendition of one of the entered case documents showing how the house looks with the existing 4.33' and what it will look like with the 4.7' overhang. He continued that the cottage is sitting crooked and is not parallel with the property line. He described to the Board that this is what the new cottage would look like with setback variance to the overhang and the increase over 20% for the nonconforming structure. He affirmed to the Board that they had looked at options to make the garage on the front of the cottage, aesthetically pleasing to the view of the neighborhood with a covered porch on the left hand (north) side. Ms. Dale confirmed that the document being shown was just a rendered version of a drawing that had already been submitted and included with their application. Mr. Short confirmed that that was true.

The Chair asked if there were any questions.

Ms. Roberts asked, other than the steps, what was the issue with putting the garage in the back. Mr. Short answered that the actual overhang is 7.87' from the property line. There is a little less than 9½ feet to the actual property line to the face of the house and that is disregarding the steps. There is only about 9'4" to give. He explained that an overhead garage door is 9' and that 9' usually works when you have the usual 12' inside the garage. This ("driveway" area) would be a tight spot to expect someone to maneuver down a 9' to 9 ½' wide drive for any distance. You would have to be a pretty good driver, considering the size of vehicles now and only having about a foot on either side of the vehicle.

The Chair asked if there was anyone present withstanding who wanted to testify. There was none.

Mr. Kruse made a motion to close the public comment segment of the hearing, seconded by Ms. Cottingham. All were in favor and the motion carried.

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

Ms. Roberts moved, and Ms. Cottingham seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 6:34 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-266:

**With regard to BZA-2024-266 being a 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) for the property located at 399 Hidden Beach:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because it 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.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

November 20, 2024

Held \_\_\_\_\_

2. The request **is** substantial because the garage could fit in the rear yard and the porch could have been set in to meet all the requirements.
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 meet the front-yard setback and lot coverage.
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** somewhat aware of the zoning requirements at the time they purchased the property in the Spring of 2024, but not specifically for this sort of project.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance because the porch addition could have been set-in to meet the side-yard setback, and the garage moved to the rear of the property.
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) (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. Cottingham; Mr. Kruse – yes; Mr. Fetzer – 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 December 18, 2024.

**Adjudication Hearing  
Case BZA #2024-274  
2498 Knobhill  
Toma**

**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).**

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

Ms. Dale stated that 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 at 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. 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.

**Sonja Toma**, Owner, 2498 Knobhill, Marblehead, Ohio 43440 was called upon and sworn in. Ms. Toma reviewed the paperwork and stated it was as she had submitted. The Chair asked if there were any additional or supplemental documents that she wished to enter into the record. There was

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24 \_\_\_\_\_

none. Ms. Toma said when she purchased the home, it was going to be a summer home, and she has been living up here full-time for about seven years. She stated the winters can get rough and she would like a garage to keep her car and golf cart. If she did a single car garage further from the property line, it would be a very narrow entry, and she would not be able to fit all her vehicles in there. She stated her main reasoning was a safe place to keep her vehicle, especially in the winter. She also stated it would not change the footprint or the view of the neighbors, because it would be replacing two sheds that are there now.

The Chair asked if there were any other questions from the Board.

Mr. Fetzer questioned if the applicant had a shared driveway with the neighbor to the north. Ms. Toma answered in the affirmative and stated that it will be a concrete driveway, after the construction of the garage. She also stated that this neighbor had been granted their variance on their garage which was built a few months ago. The Chair, upon viewing the aerial photograph of the applicant's property, asked about the property. Ms. Dale explained the location of the proposed garage and its relation to the completed garage belonging to the neighbor. The Chair asked Ms. Toma about the doors that will be on the garage, and she clarified that it would be a double garage door with the man door on the side. The Chair then asked if the location of the garage was going to align with the access of the driveway and Ms. Toma stated it was. The Chair then questioned whether the garage could have been moved over four feet to meet the setback and still access the door. The answer was that it would not be a straight line to access the garage.

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.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Ms. Cottingham. All were in favor and the motion carried.

Ms. Cottingham motioned to recess into executive session to deliberate the merits of the case. Mr. Kruse seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 6:48 p.m.

Mr. Fetzer moved, and Mr. Kruse seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 6:57 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-274:

**With regard to BZA-2024-274 being a 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) for the property located at 2498 Knobhill:**

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 is permitted to have an accessory structure.
2. The request **is not** substantial because the garage will be in the same location as the existing sheds at the end of the driveway.
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 new structure will be the same distance from neighboring properties and is in the vicinity of other detached structures.
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 and any extensions would have to be installed to any regulating agency standards.
5. The property owner states they **were not** aware of the zoning restrictions at the time they purchased the property in 2010 because the sheds on the property were existing.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by making the building a side-entry and making it a long and narrow structure in the rear yard.
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 and the structure will be no closer to the property lines than the structures that are currently on the property.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24

Mr. Roberts 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. Fetzer. Roll Call Vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – 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 December 18, 2024.

**Adjudication Hearing  
Case BZA #2024-280  
9608 E. Bayshore Road  
Hutcherson**

**Request for Area Variances from Section 5.2.D.iii to allow for a garage addition onto an existing garage to encroach into the east, rear/side-yard setback (2.5' proposed/ 5' required), Section 5.2.1.A.i.b. to allow more cumulative accessory bldg. square footage than allowed (1,200s.f. permitted/ 1,680s.f. proposed) and to Section 7.12.3.A to allow more square footage to be added onto a nonconforming structure than permitted (20%; 120s.f. allowed/ 180%; 1,080s.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. Cottingham moved, and Ms. Roberts seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale stated that the applicant has an existing 24' x 25' (600s.f.) detached garage on the property they intend to keep. Based on the refusal documentation, some of these calculations have changed because there was initially a discrepancy in what the Auditor's records showed for this building vs. what the actual field measurements are for this structure. The applicant is proposing to construct a new 30' x 36' (1,080s.f.) garage addition to the south of the existing garage. This will result in the total cumulative square footage of all accessory buildings to be 1,680s.f. where 1,200s.f. is the maximum permitted. The existing 24' x 25' detached garage is nonconforming and 3.5' from the foundation to the east, rear/side property line (2.5' once the roof overhang is taken into consideration) where 5' is required. The applicant is proposing to align the new garage addition with the east wall of the existing garage, which will maintain the 2.5' setback to the east rear/side property line. 20% of the original 600s.f. structure would have allowed for 120s.f. of an addition to be added. The applicant is proposing to construct a 30' x 36' (1,080s.f.) addition which results in a 180% increase to the original garage structure. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

The Chair asked about a photograph of a garage that was included in the BZA packet. Ms. Dale answered that it was just a stock photo of the type of garage the applicant was proposing and that he had turned in a more detailed plan after the BZA packets were distributed.

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

**Brad Hutcherson**, Owner, 9608 E Bayshore Rd, Marblehead, OH, 43440 was called upon and sworn in. Mr. Hutcherson 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. Hutcherson said he believed the narrative described in good detail what he was trying to achieve. He stated he did not believe that the existing garage was a big issue because it is actually 22' x 24' according to his tape measure, which is different from the survey and the aerial photograph.

The Chair asked if there were any other questions from the Board.

Mr. Shetler asked if the garage was going to have a loft in it. Mr. Hutcherson confirmed that there would be upstairs space. He stated he had used the included photograph to give a representation of what he wanted to build, but hadn't hired an architect if the variance wasn't going to happen. The Chair then asked what he was going to use the loft for and Mr. Hutcherson stated he was going to use it for storage. Mr. Shetler then asked if the loft space was going to be finished, and Mr. Hutcherson stated that it was not going to be at this point. Ms. Roberts then asked if the room were going to be one that someone could stay in and Mr. Hutcherson stated at this time, no. When questioned further, Mr. Hutcherson stated that it was not his intention and it was to have upstairs storage for seasonal change to store kayaks and stuff upstairs, along with the snow blower in the summer.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24

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.

**Mr. Gaylord Taylor**, 9635 E Bayshore Road and **Ms. Crystal Dashiell**, 136 Cottage Cove Dr. were sworn in. They inquired about the location of the property in relation to Mr. Taylor's house. They were assured that Mr. Hutcherson's property is across the street from Mr. Taylor's and not physically adjacent to his. They expressed concern that this was the property next door that had requested to operate an automotive shop from the garage a few years ago. Ms. Dale assured them that this was not the same application or property. They had no further testimony or questions.

Ms. Cottingham made a motion to close the public comment segment of the hearing, seconded by Mr. Kruse. All were in favor and the motion carried.

Mr. Fetzer motioned to recess into executive session to deliberate the merits of the case. Ms. Roberts seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 7:14 p.m.

Mr. Fetzer moved, and Mr. Kruse seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:32 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-280:

**With regard to BZA-2024-280 being a request for Area Variances from Section 5.2.D.iii to allow for a garage addition onto an existing garage to encroach into the east, rear/side-yard setback (2.5' proposed/ 5' required), Section 5.2.1.A.i.b. to allow more cumulative accessory bldg. square footage than allowed (1,200s.f. permitted/ 1,680s.f. proposed) and to Section 7.12.3.A to allow more square footage to be added onto a nonconforming structure than permitted (20%; 120s.f. allowed/ 180%; 1,080s.f. proposed) for the property located at 9608 E. Bayshore Road:**

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 home and is permitted to have accessory building space.
2. The request **is** substantial because the garage is tripled 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 new structure will be the same distance from the rear property line as the existing garage and otherwise meets all other zoning requirements as far as setbacks, height and lot coverage.
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 2020.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance because the new garage addition could be set-in to meet the rear/side yard setback requirement and could have been its own stand-alone structure that would not have limited it to the 20% regulation.
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) (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. Kruse. Roll Call Vote was as follows: Ms. Cottingham – yes; Mr. Kruse – no; Mr. Fetzer – yes; Ms. Roberts – no; Mr. Shetler – no. Vote 3-2, the motion failed.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

November 20, 20 24

Held \_\_\_\_\_

The application has been **DENIED**.

The Chair stated that Ms. Dale would be in touch with the applicant later in the week to discuss what options the property owner has moving forward.

**Adjudication Hearing**

**Case BZA #2024-281**

**525 Hillcrest**

**Stahanczyk**

**Request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the west, front-yard setback (16.4' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted (20%; 599.2s.f allowed/ 78.6%; 2,198s.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 Ms. Cottingham 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 Townsend Beach, Blk E Subdivision, which was platted in 1925. The existing home is nonconforming because it is 19.4' from the west, front property line, less to the existing roof overhang. The applicant is proposing to remove an existing sunroom on the rear of the home along with some of the rear family room area and replace that same square footage, which becomes a wash. The applicant is proposing to then construct multiple additions onto the home that results in 2,198s.f. of all new, never previously existing space onto the home. One of the additions includes a new, 12' x 25' 3<sup>rd</sup> garage bay, but then adding a 3' decorative eyebrow awning over the existing 2-car garage. The decorative eyebrow will result in being 16.4' from the west, front property line, where a 20' setback is required. The original structure consists of 2,796s.f. 20% would allow for 599.2s.f. of new space to be added. The applicant is proposing to construct a total of 2,198s.f. of all new space, which results in a 78.6% increase where 20% is permitted. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations. Ms. Dale did emphasize that the encroachment into the front yard setback was due to an overhang, not necessarily due to the structure that is being added onto the house. The additions, themselves, meet all the setbacks to the side and the rear. The reason the house is limited to a 20% addition is because it was set too close to the property line by seven inches when the house was built in 1951. The property is made up of six lots. Even if the three Eastern lots were sold off, this structure will meet the rear yard setback requirement for the three lots that it does sit on, and it will also meet the lot coverage requirement. The Chair asked if there were any other questions for Ms. Dale. There were none.

**Wendy Stahanczyk**, Owner, 525 Hillcrest, Marblehead, Ohio 43440/7170 Fodor Rd, New Albany, OH, was called upon and sworn in. Ms. Stahanczyk reviewed the paperwork and stated it was as she had submitted. The Chair asked if there were any additional or supplemental documents that she wished to enter into the record. There was nothing new, except a drawing that contained several more windows, but no changes to the height or placement of the proposed building. This new drawing was not entered, as it contained no new information.

Ms. Stahanczyk said that the house had been in the family for over 73 years, and she had been staying there since the day she was born, except for college and when she got married. She stated her parents had selected her husband and her to be good stewards for the property. She reminisced about her father being a local doctor and treating community members with an emergency medical issue in the living room of the house. She stated she would be the ninth Townsend Beach resident, out of 42 homes, to retire in that community. She expressed her plans of enjoying retirement, hosting family and friends, and carrying on family traditions in the home. She explained that one of the reasons they are requesting the expansion is that the house only had three bedrooms, one full and one-half bath and a 70-year-old kitchen that had never been renovated. After consulting with her builder, it was deemed easier to expand rather than try to renovate the house as it currently stands. The expansion to the garage is to keep a golf cart in the third bay, as to not lose one of the existing garage spaces.

Ms. Stahanczyk went on to state that they look forward to hosting guests and that is one of the main factors in wanting to add an additional bedroom and bathroom. She continued that they tried to be respectful of the setbacks when doing their building plans and she had not been aware that the existing house had been over the setback when originally built. She believes the contemporary design will make the house more attractive than the original house was. Ms. Stahanczyk stated she wanted the Board to focus on the fact that if this were a new building, they would not have to apply for a variance for anything other than the garage eyebrow. If this were a new build or a tear down, and not an addition to the existing home, they would meet every setback requirement and would make the building lot to percentage requirements using only half the lots. Seeing as they have six lots in total, and this house is on three lots, this addition is on the same three lots. If they use just half of the six total lots, they would

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24

still be within the lot requirements or property requirements there. She stated if they bought these lots, with no building on it, they could build exactly what is being proposed without any variance. Due to factors with the existing house, they were unable to find a way to make the proposed addition smaller.

Addressing the issue with the garage eyebrow, Ms. Stahanczyk stated that the eyebrow is decorative, but they care about the street appeal of their house and community. She continued that she understands and appreciates the adherence to architectural guidelines. They believe this eyebrow helps blend the new garage addition into the house since the existing garage cannot be moved and that is the reason for their request for a variance on it.

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.

**Corinna Efke**man, 180 E Dunedin Road, Columbus, OH, 43214/507 Hillcrest Dr., Marblehead, OH, 43440, stated she would and was sworn in.

Ms. Efke man explained that she and her husband live on the abutting property and would like the variances to be denied. She stated her belief that she does not think the requested variances fall into the purpose of zoning, which is to protect property values and characteristics of neighborhoods. Ms. Efke man said she would be addressing the decision standards the Board is required to use for their rulings.

Ms. Efke man pointed out the applicant's comment about having mobility concerns as they are getting older. Ms. Efke man stated that it was speculative that a master suite wing, which is wheelchair accessible, would be needed, as the applicant's mother lived in the house without those accommodations until she was in her 90's. She also said that the Townsend Beach community is made up of hard-working, middle-class homeowners who are trying to raise their families and enjoy the lake. She believes the variance request and the addition will negatively change the characteristics of the neighborhood. Ms. Efke man also disputed the value of the property as stated by Ms. Stahanczyk. She continued to state that the variance is absolutely substantial, and she believes it is offensive to ask for a 78.6% increase in buildable square footage. She went on to give the mean square footage of the houses in Townsend Beach, based on information she states she obtained from the Ottawa County Auditor's website. Ms. Efke man stated that the applicant currently has 2,700 square feet and is asking for an additional 2,100 square feet, which with the variance, would bring her total square footage to 4,994 square feet. This would be the biggest property in the community and would change the nature and character of their community. Ms. Efke man went on to comment about the applicant wanting to "change the character of Townsend Beach" and stated that they did not need Ms. Stahanczyk's assistance in enhancing the neighborhood. She further stated that she believes granting this variance would be a slippery slope, setting precedent to allowing overbuilding and gross overreach. This overbuilding will forever damage and alter their community. Ms. Efke man said the adjoining properties would also suffer. She claims they purchased their home with "lake views" and went on to state that evidence shows that homes with "lake views" are more valuable than those without. Ms. Efke man stated that her "lake view" would be blocked on all her windows by the applicant's garage eyebrow and her additions. She believes that the alterations to the applicant's house are unnecessary and not in keeping with the character of the neighborhood. She reiterated her belief that if the variance is granted and she loses her "lake views," it will cause her property value to go down. Ms. Efke man then questioned the applicant's alleged lack of knowledge regarding zoning restrictions on the house. She said that this would be a substantial miscarriage of justice if the variances are granted. She stated that the applicant has not presented any evidence that she cannot continue to live and exist in the house in its current condition. Ms. Efke man expressed that this would make the applicant's house bigger than anyone else in Townsend Beach and that Ms. Stahanczyk could either stay there as the house is now or stay in New Albany (where her other house is). Ms. Efke man reiterated her belief that granting these variances would harm the community, her own investment in her property and her family's enjoyment of their property in the future.

The Chair advised Ms. Efke man that they had questions for her. Ms. Roberts asked Ms. Efke man to explain why she keeps saying it will affect the neighborhood. Ms. Efke man stated if you drive around the Townsend Beach area, it is composed of modest, middle-class homes and what the applicant is trying to do is make it a high-end house similar to what you would find in New Albany, OH. Ms. Roberts countered that the BZA needed to deal with what is here, and not what you would find in another area. Ms. Efke man pointed out that Ms. Stahanczyk put in her application and stated verbally that she was looking to improve their neighborhood and change it aesthetically. Ms. Efke man continued that Ms. Stahanczyk had described the Townsend Beach area as a park like environment and she agreed with that description but feels if you allow a 78.6% overbuild of the lot and then additional neighbors start altering their properties in the same way, it is going to cause people to be priced out of the area resulting in them having to sell their homes. She stated the area would become mini mansions with all the views of the lake being blocked. Ms. Roberts disagreed, stating that when the value of a



# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

November 20, 20 24

Held \_\_\_\_\_

home goes up, it does not degrade the neighborhood, it brings up the value of the rest of the neighborhood.

The Chair inquired if Ms. Efkehan had brought any photos of the views she believes will be blocked—she stated that she did not, but went on to say that she has two areas of her home that she believes will be completely blocked—a sunroom that opens on the water and a second story window. The Chair said that another neighbor of Ms. Efkehan had received a variance last year and that she had not attended that variance hearing. Ms. Efkehan stated that she did not object to the other neighbor getting a variance because it was based on a safety hazard of the driveway location and the new garage was not an overbuild of the property.

The Chair then confirmed with Ms. Dale that the variances were required because of the existing home, and if it were a new build, there would be no need for a variance. Ms. Dale answered if the home were moved back by five inches (the house is currently at 19'7" and they are required to have a 20' setback), they would not have been required to come to the BZA for any of these additions. The only thing they would have needed a variance for is the decorative eyebrow. The additions would have been allowed if the existing home had been built five inches further away from the road. Ms. Dale went on to explain that if the property owner wanted to tear down the existing home, they could build six individual homes because they have 6 lots. They could also build this exact home, with the additions proposed, five inches further back from the road across three lots. They could build a big home on all six lots up to 35 feet high per the zoning regulations. Ms. Dale said they have options with the property that they own, should the variances not be approved. Ms. Efkehan then stated that their HOA has rules governing what is required for building on lots in their neighborhood. Ms. Dale advised Ms. Efkehan that zoning does not enforce private restrictions, and it would be a civil matter solely within the association. Ms. Efkehan indicated she understood that.

Ms. Stahanczyk approached to refute the testimony of Ms. Efkehan. Ms. Stahanczyk stated she was not given the home but purchased it from her parents' estate and bought out her siblings. They had an appraisal at the time of the sale, and they were given the market value. She stated whether she was given the house or not was really no business of Ms. Efkehan. She also refuted the square footage that was cited by Ms. Efkehan, pointing out that the home is currently smaller than Ms. Efkehan said and there are larger ones in the neighborhood. Ms. Stahanczyk said that the house only having one full and one-half bath was difficult. She went on to state that she was not trying to make Townsend Beach like New Albany, rather that she appreciated and respected architectural guidelines. She said that they did have options with the property. They could rebuild a bigger home, or they could just plant a tree that could have blocked Ms. Efkehan's second-floor window view. She stated the proposed additions to the existing home are not going any higher than they currently are. Ms. Stahanczyk said the park-like feel of the neighborhood was mostly due to the three lots that compose her backyard, and they were planning to retain that. She ruminated that she wished she had brought letters from the other neighbors that support her plans. She stated that they are just trying to build a master suite and new kitchen in a home that her family has owned for a long time, that she deeply cares about.

Ms. Efkehan stated her objection to Ms. Stahanczyk saying that she had support from the other neighbors because she did not bring evidence to show that. Ms. Roberts advised Ms. Efkehan that although letters would be read by the BZA members, in person testimony carried the greater weight in their decision.

**Tom Dearth**, contractor on behalf of the homeowner 519 Erie Beach Rd, Marblehead, OH, was called upon and sworn in. He stated that contrary to Ms. Efkehan's statement, there was no roofline that was going to be above the existing roofline of the house that would possibly block her view more than it currently is. He went on to state that the house sits on a slab, so it would be difficult to move the house back and that is why they are planning to have the additions placed on their lot. The proposed eyebrow is the only part that does not meet the requirements. He disputed that anyone's house value would go down and Ms. Efkehan's statement that houses in the area were an average of 1,700 s.f. when his own home, in Townsend Beach, is 3,300 s.f.

The Chair asked if there were any further questions or comments from those in attendance or from the Board. There were none.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Mr. Kruse. All were in favor and the motion carried.

Ms. Cottingham motioned to recess into executive session to deliberate the merits of the case. Mr. Kruse seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 8:19 p.m.

Ms. Roberts moved, and Mr. Fetzer seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 8:48 p.m.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Danbury Township Board of Zoning Appeals

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

Held \_\_\_\_\_

November 20, 20 24 \_\_\_\_\_

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-281:

**With regard to BZA-2024-281 being a request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the west, front-yard setback (16.4' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted (20%; 599.2s.f allowed/ 78.6%; 2,198s.f. proposed) for the property located at 525 Hillcrest:**

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because it 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.
2. The request **is not** substantial due to the fact that the house is on multiple lots and the addition will match the style and height of the existing house.
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 a lot of 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 2023.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance because the property owner could remove the existing home and replace it with the same or a larger home than what is being proposed.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because side & rear yard setbacks, lot coverage and building height requirements will be met.

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. Kruse. Roll Call Vote was as follows: Ms. Cottingham – yes; Mr. Kruse – yes; Mr. Fetzer – 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 December 18, 2024.

**Approval of Board of Zoning Appeals  
October 16, 2024, Regular Meeting Minutes**

Mr. Fetzer made a motion to approve the October 16, 2024, regular meeting minutes as presented. Mr. Shetler seconded the motion. All were in favor, motion carried.

**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. Mr. Shetler seconded. All were in favor and the motion carried.

- a. **BZA-2024-245 292 Gravel Bar.** 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). **Joseph Nejd, Owner/ Applicant; John Feick, Architect/Agent.**

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

November 20, 2024

Held

- b. **BZA-2024-251 7479 E. Harbor Road.** Request for an Area Variance from Section 5.2.D.iii to allow for a lean to/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). **Gabe Gerard, Owner/ Applicant.**

Unfinished Business

There was none.

New Business

Ms. Dale read a card addressed to the Board from the family of recently deceased BZA member, Loretta Grentzer. Ms. Dale advised the Committee that due to the loss of Ms. Grentzer, the Trustees had recommended appointing Mr. Joseph Kruse as a full member of the BZA Committee to fulfill the remaining months of her appointment and then for the full five years after. Mr. Kruse was sworn in by Ms. Dale. Ms. Dale advised that the Trustees had appointed Jim Switzer to fill the alternate seat that was now open. He will be sworn in at a later date.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

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 8:58p.m.

*Kathryn A Dale*  
RECORDING SECRETARY

*Clyde Shetler*  
Clyde Shetler

*Sherry Roberts*  
Sherry Roberts

*Joseph R. Fetzer*  
Joseph Fetzer

Joseph Kruse

Julie Cottingham  
BOARD OF ZONING APPEALS

**RECORD OF PROCEEDINGS**

Minutes of

Meeting

**Danbury Township Board of Zoning Appeals**

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

Held \_\_\_\_\_ **November 20, 20** 24 \_\_\_\_\_

INTENTIONALLY LEFT BLANK