Danbury	Township, Ohio	STAFF REPORT Board of Zoning Appeals Meeting Date: January 15, 2025
\sim	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
Case #:	BZA-2025-001	Address: 128 Leddy Lane
Appellant:	Steve & Kelly Brickner, Owners	Zoning : "R-3" High Density Res.
Request:	into the north, side-yard setback (2'6" p	on 5.1.7 to allow for an addition to encroach proposed/ 5' required) and to Section 5.1.3 to 1.2% (2,015s.f.) proposed/ 40% (1,958s.f.)

SUMMARY:

The property is part of the Tonsing C Subdivision which was platted in 1959. The applicant is proposing to construct a 16' x 40' tandem garage and 6' x 25' breezeway addition onto the north side of the home which will encroach into the north, side-yard setback by 2.5', where 5' is required. The proposed overhang of the addition will be 2.5' from the north, side property line and the garage addition wall and foundation will be 3.5' from the north, side property line where 5' is required. The applicant is proposing a 1,000s.f. addition onto the existing house which will result in a lot coverage of 41.2% (2,015s.f.) where 40% (1,958s.f.) is permitted.

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 be used for a single-family residence. The zoning resolution is not denying the owner reasonable use of the property or the ability to provide an addition onto the home.

Whether the request is substantial or not can be debated. On the one hand, the request is not substantial due to how these additions are constructed and the ability to tie rooflines in, it results in 4' of additional space needed, leading to the overage on lot coverage. On the other hand, the request could be viewed as substantial because with a 3.5' reduction in width, the garage would still be 12.5' wide to be able to get a vehicle in, although tighter to open vehicle doors, but that would also help reduce the lot coverage as well.

The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variance because the addition is fitting to the house style and there does not appear to be any windows on the north side of the addition that would be disturbing to the neighbor.

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

The property owner states in their narrative statement that they were not aware of the zoning restrictions at the time they purchased the property in 2020.

Whether the property owner's predicament can or cannot feasibly be obviated through some method other than a variance can also be debated. On the one hand, everything could be slightly reduced in size to meet the requirements. If the covered rear porch or garage width were reduced by 57s.f. the lot coverage would be satisfied and possibly the setback. On the other hand, since this is a small lot, 57s.f. is not an exorbitant amount to exceed the lot coverage by but makes a big difference due to the small lot size. The added width to the garage helps allow maneuverability around the vehicle when it is parked in the garage to get to other areas within the garage.

The spirit and intent would be met by granting the variance because there is no known negative impact to the neighboring properties.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:

ale

Kathryn A. Dale, AICP Danbury Township Zoning Inspector

Date Prepared: December 20, 2024

List of Exhibits Enclosed:

Exhibit 1:	BZA Application Appellants Response to Decision Standards Adjacent property owners' notification list Property Deed
Exhibit 2:	Refused Permit Site Plan & Bldg. Elevations

	15	HIBIT BOARD OF ZONING APPEALS APPLICATION Date Filed: 12/16/24 Application #: 2025-001
M	972 E. Port Clinton Rd. Iarblehead, Ohio 43440 S: (419) 734-6120 F: (419) 734-3137 S: www.danburytownship.com	Action: Rejected Permit: Approved Permit:
1.	Property Location: 128 Leddy Lane	
	Parcel ID# 0140796016149000	Zoning District : "R-3" High Density Res.
	Attach Deed For	For Complete Property Legal Description
	Existing Use SF Home	Proposed Use Garage, Covered Porch & Breezeway Add.
2.	Agent Pete Johnson, Architect	Address 11706 W. Salem Carroll Road
	CityOak Harbor	StateOhioZip43449Phone(419) 607-0203
	Email:pete_johnsondesigns@yahoo.com	m
3.	Appellant/ Owner Steve & Kelly Brickne	ner Address 6175 W. Tiffin Street
	CityBascom	
	Email: askbrick@bright.net	

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

Area Variance	Use Variance	Special Exception	Conditional Use Appe
Chapter / Section			ldition to encroach into the north, side- um lot coverage [41.2% (2,015s.f.)propos
40% (1,958s.f.) allowed].			
Practical Difficulty	SEE ATTAC	HED NARRATIVE STAT	TEMENT
		HED NARRAIIVE SIA	

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

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

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

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

	(Agent's Sign	6			(Date)
0	(Appellant's	Signature)		12	<u>-16 - 20 24</u> (Date)
Filing Fee = \$200.00					Amount Invoiced \$
	PLEASE RE	FER TO THE	List of neighboring propa BZA DOCKET CALENDA ATE APPLICATIONS WIL	AR FOR SUBMISSIO	N DATES.
			Do not write below this lin	e	
			ZONING SUMMAR	Y	
BZA Hearing Da	te: 115	24		BZA A	pplication #: <u>2025-00</u>
Notice Sent to Ne	wspaper: <u>\</u>	130/24	Published: 143	5	
Notice Sent to N	leighboring P	roperty Ov	vners: 12/30/2	4	
BZA Action:	Approved	Denied	Approved w/ Conditi	ons Vote: _	
Decision Sheet sig	gned:		Expiration of Approva	l:	
Date Letter Sent	to Appellant:_		6		
Permit# Issued: _			Date:	_	

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

128 Leddy Brickner

Scope of Work:

Construct an addition to the home, which encompasses a garage, covered back patio and an entryway / breezeway that comprises a laundry area.

Decision Standards:

- A. The property in question (will /will not) yield a reasonable return or (ean / cannot) be used beneficially without the variance. *This addition will increase the value of our home.* We are one of the last remaining homes on the street without updates such as a laundry area and garage. The return would greatly increase the value as a hole and to the community.
- B. The variance (is / is not) substantial. *The laundry and garage is essential to everyday living when we choose to move to Marblehead as full time homeowners.*
- C. The essential character of the neighborhood (would / would not) be substantially altered by the variance and adjoining properties (would / would not) suffer a substantial detriment because of the variance. The neighborhood is neat and organized; pride is taken individually and as a community. A variance for the garage would allow us to be part of that organization, enhancing the entrance to the street. Additionally, the adjoining property would not suffer detriment because there is not an egress on the South side of the neighbor's house. No egress is proposed on the North wall of the garage as well.
- D. The variance (would / would not) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) <u>Utility services would not be affected due to the location of the garage</u>.
- E. The property owner (did / did not) purchase the property with knowledge of the zoning restriction. We did not think about additions and zoning regulations at the time of purchase. Now that we are anticipating becoming full time residents, addition to the property is vital and governed by zoning regulations. A variance will allow us to dimensionally achieve the much-needed addition and be within regulatory compliance.
- F. The property owner's predicament (ean / cannot) feasibly be obviated through some method other than a variance. The option of adding space to a second floor and or reconfiguring the entire first floor is not financially feasible for our retirement age / situation. Additionally, 16-foot wide garage would be at a minimum width. At 16 feet wide, this would give us approximately 14.6 feet on the inside of the garage. 14.6 feet would adequately present us with about 1.6 feet on both sides of our vehicle with the drivers and passengers doors open to move unobstructedly.

- G. The spirit and intent behind the zoning requirement (would / would not) be observed and substantial justice done by granting the variance. <u>The variance would allow suitable and appropriate amenities to everyday living</u>. 1. Provide user-friendly entry to the house 2. Furnish safe and proper access for vehicles / foot traffic. 3. Allow space for laundry facilities and storage that is easily accessible on the main level.
- H. Other relevant factors, if any, considered include: <u>To not allow the variance would limit access to</u> an at home laundry area along with protected vehicle and related equipment storage. <u>Additionally, an attached garage would allow for safe transfer of goods during inclement</u> weather.

ADJACENT PROPERTY OWNERS – 128 LEDDY LN

- Warren Larson
 - 138 N. Leddy Ln.
 - Marblehead, Ohio 43440
- --- Mary Gensler
 - 118 N. Leddy Ln.
 - Marblehead, Ohio 43440
- ____ Jackie Grosswiler & John Tibbels

6965 East Harbor Rd

Marblehead, Ohio 43440

- Bradley Leyda

5552 Lafayette Rd

Medina, Ohio 44256

- Robert & Kathleen Lucak

129 N. Leddy Ln

Marblehead, Ohio 43440

— Susan Kohanski

7053 Ryan Rd.

Medina, Ohio 44256

202000295051 Filed for Record in OTTAWA COUNTY, OHIO VIRGINIA M PARK, RECORDER 06-01-2020 At 04:04 pm. SURV DEED 42.00 OR Book 1772 Page 972 - 974

This conveyance has been examined and the granter complied with section 319-202 of the revised code.	f
the revised code. 616.00	-
EXEMPT	•
Fransur 6/1/2	2020
gnowsid i def)
	77

Marranty Deed

Joint and Survivorship Ohio Revised Code §5302.17

KNOW ALL MEN BY THESE PRESENTS THAT Tony W. Clevenger, a married man, and Jerry Clevenger, a married man, the Grantors, claiming title by or through instrument recorded in Volume 425, Page 476, Ottawa County Recorder's Office, for valuable consideration thereunto given, and for the sum of One Hundred Fifty Four Thousand and 00/100 Dollars (\$154,000.00) received to their full satisfaction of Steven M. Brickner and Kelly K. Brickner, the Grantees, whose tax mailing address will be 128 Leedy Lane, Marblehead, OH 43440, do:

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto said Grantees, for their joint lives, the remainder to the survivor of them, the following described premises, situated in the Township of Danbury, County of Ottawa, and State of Ohio:

And being Lot No. 28, Tonsings Subdivision C, in the North part of the East half of Lot No. 19, Section 2 of said Township.

Permanent Parcel No: 014-07960-16149-000

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantees, and to the survivor of them, his or her separate heirs and assigns forever.

AND THE SAID Grantors, for themselves and their heirs, executors and administrators, hereby covenant with the said Grantees, their heirs and assigns, that said Grantors are the true and lawful owners of said premises, and are well seized of the same in fee simple, and have good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except zoning ordinances, easements, reservations, conditions and restrictions of record, if any, and real estate taxes and assessments, general and special, which are a lien at the time of transfer, but which are not then due and payable, and further, that said Grantors will warrant and defend the same against all claims whatsoever except as provided herein.

AND FOR VALUABLE CONSIDERATION Debra Clevenger, wife of Grantor, Tony W. Clevenger, and Pamela Clevenger, wife of Grantor, Jerry Clevenger does hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all right and expectancy of Dower in the above-described premises.

IN WITNESS WHEREOF, the Grantors, Tony W. Clevenger, a married man, and Pamela Clevenger, his wife, hereunto set their hands the _____ day of May, 2020.

Joy W. Clevenger

Clevenger

STATE OF <u>TENNESSEE</u>) Dekalb county) SS:

BEFORE ME, a Notary Public in and for said County and State, personally Debra appeared the above-named Grantors, Tony W. Clevenger, a married man, and Pamela-Clevenger, his wife, and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of May, 2020. This is an acknowledgment clause. No oath or affirmation was administered to the signer(s).

(SEAL)

- WARDE C Driver NOTARY PUBI ExpiRATION

. . - 3

IN WITNESS WHEREOF, the Grantors, Jerry Clevenger, a married man, and Pamela Clevenger, his wife, hereunto set their hands the Arth day of May, 2020.

venger

STATE OF OHIO) SS: SENECA COUNTY

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Grantors, Jerry Clevenger, a married man, and Pamela Clevenger, his wife, and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of May, 2020. This is an acknowledgment clause. No oath or affirmation was administered to the signer(s).

EN WELTER OREI NOTARY PUBLIC FOR THE STATE OF OHIO My Commission Expires June 10, 2021

This Instrument Prepared By:

Hackenberg, Feighner, Bishop & Werth, LLC 314 W. Crawford St. Findlay, OH 45840 419-422-4014



Kathryn A. Dale, AICP Zoning & Planning Administrator

NOTICE OF REFUSAL

December 4, 2024

To Applicant/: Steve & Kelly Brickner Owner 6175 W. Tiffin Street Bascom, Ohio 44809 Application No.:

24-314 128 Leddy Lane

BZA Case No .:

Your application dated DECEMBER 4, 2024, for a zoning certificate for a 16' x 40' GARAGE ADDITION, 6' x 25' BREEZEWAY AND 14' x 15' COVERED PORCH ADDITION located at 128 LEDDY LANE, MARBLEHEAD, OHIO 43440 is hereby refused on this 4th DAY OF DECEMBER, 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 3, Section 3.5

Reduced Setbacks Available Below

Variance #1

Article 5, Section 5.1.7

"R-3" High Density Residential Development Standards

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

Minimum Front-yard Setback	25'
Minimum Rear-yard Setback	25'
Minimum Side-yard Setback	5'
Maximum Lot Coverage	40%
The environment is successive	1

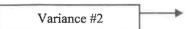
• The applicant is proposing a 1,000s.f. addition onto the existing house which will result in a lot coverage of 41.2% (2,015s.f.) where 40% (1,958s.f.) is permitted.

General Regulations Applicable to All Districts

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

Front-Yard Setback:20'Side-Yard Setbacks:5'Rear-Yard Setback:5'

- The property is part of the Tonsing C Subdivision which was platted in 1959.
- The applicant is proposing to construct a 16' x 40' and 6' x 25' breezeway addition onto the north side of the home



which will encroach into the north, side-yard setback by 2.5', where 5' is required.

• The proposed overhang of the addition will be 2.5' from the north, side property line and the garage addition wall and foundation will be 3.5' from the north, side property line where 5' is required.

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.

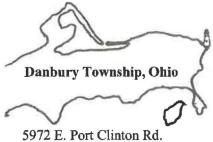
Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an Area Variance is necessary prior to proceeding with the proposed construction.

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.

ale.

Kathryn A. Dale, AICP Danbury Township Zoning & Planning Administrator

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



ZONING PERMIT APPLICATION

Date Filed:	12/4/24	_Application #:_	2024-314
Refusal Approval Dat	e: 12/ 4/24	BZA Case #: _	

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

. Property Location: 128 N. I Subdivision Ton	using C	1019 Lot #	28	Zoning	g District	R-3 014 Danbur	y Twp,
Existing Use Res	idential	Propose				Residential	
2. Applicant Steven M. Brick	ner		Address	6175	W. Tiffi	in Street	
CityBascom	Sta	teO	hio	_Zip_	44809	Phone 419-619-6	151
Email: askbrick@bright.net	t		1.4				
3. Owner Steven M & Kelly	K. Brickner		Address	1281	N. Leddy	y Lane	
CityMarblehead	Sta	iteO	hio	_Zip_	43440	Phone 419-619-6	151
Email: askbrick@bright.ne	t						
4. Contractor/ Architect John	son Designs		Address	1170	6 W. Sa	len Carroll Rd,	
CityOak Harbor	Sta	iteO	hio	_Zip_	43449	Phone 419-607-0	203
Email: pete_johnsondesign	is@yahoo.com						

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

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

7.	Project Description:	Galage authors, with ajoining oreezeway and covered patto. Incorporate fautury area
inte	o breezeway.	Gavage addition w/ adjaning breezeway i. covered patio, incorporate

- 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:

	Existing	Proposed		Existing	Proposed
Basement:	sf.	sf.	Front Yard Setback:	ft.	<u>33 ft.</u>
First floor:	<u>912</u> sf.	sf.	Side Yard Setback:		TOOH
Second floor:	sf.	sf.	N_side:	25.5 ft.	2.5 ft. Vanance
Third floor:	sf.	sf.	S_side:	<u>5</u> ft.	Same ft.
Garage/carport	:sf.	<u>640</u> sf.	Rear Yard Setback:	ft.	16 ft.
Decks/porches:		sf.	(Setbacks are from the prop	perty lines, not the ed	dge of the road pavement)
Breezeway:	TBRsf.	150° sf.	Lot Coverage:		
Accessory:	<u>96</u> sf.	sf.	A. Principal Building	Footprint:	<u>1919</u> sf.
Parking:	sf.	sf.	B. Total of Accessory	buildings:	<u>96</u> _sf.
Other:	sf.	sf.	C. Lot Width x Lot De	epth = Lot Area:	4895_sf.
Highest point of established grad	of building above de: ft.	e the 14' ft.	[(A+B)÷C] x 100	=%	Vanance. Needed

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.

(Applicant's Signature)

12-03-2024

(Date)

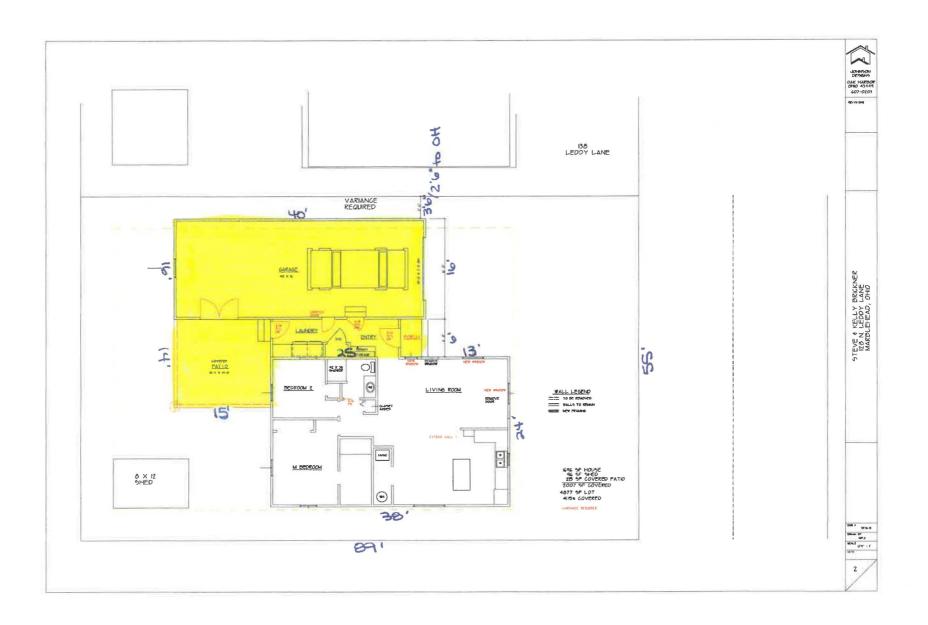
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ZONING CERTIFICATE

Upon the basis of Application No. 24-314 the statements in which are made a part hereof, the proposed usage (is or 500) 18004 found to be in accordance with the Danbury Twp. Zoning Resolution and is hereby (approved or rejected) 18004 for the 2-3 Zoning District.

	Kathrin alale
	Danbury Township Zoning Inspector
	5972, É. Port Clinton Road, Marblehead, Ohio 43440
Date Application Received 124, 2024	Fee Paid \$ Cash/ Check #
Date Application Ruled On 1214, 20 24	If certificate refused, reason for refusal : See Allached
	letter

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





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