

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 6, 2024

The Danbury Township Zoning Commission was called to order at 6:30 p.m. at the Danbury Township Meeting Room by Chair, Susan Dress. The pledge of allegiance was recited. The roll call showed the following present: Ms. Susan Dress, Ms. Jodi Kopanski, Mr. Vito Kaminskas, Mr. Strauss, and Ms. Barbara Singer, Alternates, Mr. Tuttamore and Doug Huber. Ms. Kathryn Dale, Zoning and Planning Administrator, and Dawn Connor, Zoning Assistant, were also present. Visitors present included David & Edith Dlubak, Robert and Nikole Culp and Dale Edward Parker.

Approval of the October 2, 2024, Minutes

The Chair asked if all the Commission Members had had an opportunity to review the minutes from the last meeting. All indicated they had. Ms. Dress asked if there were any corrections or modifications. One correction was noted for "Ms." To "Mr." on page 6. Mr. Strauss made a motion to approve the minutes from the October 2, 2024, meeting with the noted change. Ms. Kopanski seconded the motion. All Ayes. The motion carried.

Public Hearing

ZC-2024-249

6114 E. Port Clinton Eastern Road

Dlubak

Modified Map Amendment

Map Amendment from "A" Agricultural to "R-C" Recreational Commercial to rezone 19.25 ac. of a 22.6 ac. parcel located in Section 4, Lot 13, PIN# 0140400022988000.

The Chair asked if there was any member who would have a conflict and wished to abstain. Ms. Singer recused herself. Mr. Tuttamore was seated, as he was seated for the original hearing. The Chair asked for a motion to open the public hearing. Ms. Kopanski made the motion to open the public hearing, Mr. Kaminskas seconded the motion. All were in favor and the motion carried. The Chair asked Ms. Dale to give the Commission an overview of this application.

Ms. Dale stated the applicant came before the Township in August & September requesting to rezone the entire 22.6 ac property in case # ZC-2024-168. While the request was ultimately denied, during the Board of Trustees hearing discussions revolved around whether it was necessary to rezone the entire parcel. The applicant indicated that it was not, especially not the front of the property and agreed to be open to refile a modified request.

The applicant is now proposing to rezone 19.25 acres of their 22.6ac property from "A" Agricultural to "R-C" Recreational Commercial. The owners purchased the property in 2020. On the property is a single-family home and 3 barns. The owner in recent years has been digging out large ponds. In 2023, the property owner took out an agricultural exemption permit (#2023-290) for the establishment of viticulture and fruit trees which included approximately 80 fruit trees and 200 grapevines at that time. During the hearings of the initial application request, the property owner expressed his desires to utilize the property as a private recreational entertainment retreat for business clients and their families. According to the applicant's narrative, the rezoning is intended to provide year-round employment, diversify the uses of the parcel, and preserve/create farmland in the form of a vineyard. There is case law on agricultural exemptions regarding vineyards and wineries that the property owner likely can pursue even if this rezoning is not approved.

Ms. Dale provided a summary of the surrounding zoning districts & uses of property and shared that the Land Use Plan calls for a majority of the proposed rezoning area to be "Rural Development" with the front portion of the property designated for "Neighborhood 3; Low Density Residential". The boundaries to these classifications should not be viewed as a hard line stopping or starting point, but more as a generality that can cross property lines or extend further than depicted if it makes good planning sense. "Rural Development" are areas that are low density and in general typify a rural use such as agriculture or related industry and should be conserved or protected as much as possible. Uses include single-family homes, civic and neighborhood commercial. "Neighborhood 3; Low Density Residential" consists of newer developments within the Township. Lot sizes are large, not as consistent and may contain irregular lots. No connectivity to other neighborhoods, reliant on vehicular use and typically one way in and out. Uses include single-family and two-family dwellings. The Commission is encouraged in the staff report to review pages 13 & 17 of the Land Use Plan regarding Existing Conditions of the Township as well as the Vision Statement which begins on page 22 of the plan.

Ms. Dale stated this is the second hearing on this matter. The first hearing was before the Ottawa County Regional Planning Commission (OCRPC). The OCRPC was forwarded the proposed amendments on September 30, 2024, and held a hearing on October 15, 2024. Included in the Commission Members packets was OCRPC's decision letter recommending **Denial**. The OCRPC decision was rooted in the fact that they did not feel it conformed to the Township Land Use Plan.

Ms. Dale concluded by reviewing the decision standards the Commission would be considering for the request. The Chair asked if the Commission had any questions for Ms. Dale. There were none.

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The Chair asked the applicant to come forward and provide their presentation.

David Dlubak, Property Owner, 6114 E. Port Clinton Eastern Road, Marblehead, Ohio 43440 came forward. David lives in Upper Sandusky and states he purchased the 22 acres of land and does a lot of fishing. His business is industrial glass recycling and he has 8-10 locations in the United States. He has locations in Oregon, California, Texas, Michigan, Upper Sandusky and several others in Ohio. In his line of business, they do a lot of corporate entertainment. In this entertaining, they do a lot of fishing on the lake and also back at his pond. His pond is filled with a variety of fish including walleye, catfish and trout. He is looking to put up a vineyard—they currently have 400 vines growing, they are all staked, and this would eventually become the vineyard. He already has a 7-acre vineyard in Upper Sandusky, that they use to make wine. This is not going to be a big wine production location. The first batch of grapes will be three years old and will start to bear fruit this year. They are not going to a big wine maker; they will probably have an eventual total of 1,000 vines. They have 100 fruit trees at this property - apricot, apple, pear and cherry. The pond is 3½ acres and is 25 ft deep. They are looking to put up cabins, so their guests can stay there. He stated this will not be a commercial enterprise; it won't be open to the general public. It would be designed to bring people in from many different areas, mostly outside of the state, to come and fish here and have corporate meetings. These would last for 3-4 days. It is a work in progress, but it will be a winery and would serve a dual purpose. Looking forward, it has been approved that it can be a winery. What I am after is some commercial, not near the road. I don't want it commercial out there. I understand there are concerns that I will build whatever I want. This property will be put in a trust, with a few members, and will be deemed a corporate asset not intended to sell. Per se it will stay and operate on its own. We are looking to put up an event center which would entertain weddings for people in our families or reunions for people in our families. We have already put in a septic system that was approved by the state. There is a lot of infrastructure already out there. So, this is sort of what we are looking at. There will be no gate out there. There will be no signs out there. This is pretty much what we are looking to do.

The Chair asked if there were any questions for the applicant. Mr. Kaminskas asked, "If this was just here a couple of months ago, how is this request different from what was proposed previously?" Mr. Dlubak answered that he was not here for the prior meetings. Mr. Kaminskas stated it seemed to be the same thing that was previously rejected. Mr. Dlubak answered that it may have been rejected because it was all commercial. He stated he was sensitive to other people's concerns and was aware that if it was all zoned commercial, if he wanted to put up a gas station, he could. He acknowledged that it is a big concern but not ever his intention. He looked at the initial proposal and believes that is why it was rejected. He further stated that if one of the factors was restrictions on road frontage, they could leave the front end of it agricultural. Mr. Kaminskas stated that the whole street is generally agricultural and if they change the zoning on Mr. Dlubak's property to residential commercial, it will change the whole demeanor of the neighborhood, because Mr. Dlubak would be able to do basically whatever he wanted on the property without having to get approval. He could just do it because it would be permitted in the code. Mr. Kaminskas emphasized the seriousness of this decision, because it would change the whole demeanor of Port Clinton Eastern Road. The Commission would have to take that into consideration because when people moved here, they knew that this was an agricultural, quiet area and now you want to develop it. If this is allowed, then the next neighbor will want their zoning district also changed to Recreational Commercial and then the next neighbor and so on. Before you know it, this whole street would become commercial. This is an issue that would be precedent setting and would change the whole demeanor of the neighborhood.

Mr. Tuttamore stated from what he could recall, the original request was the entirety being commercial and that this was exempting all near the road and moving the commercial zone back.

Ms. Dress stated that this amendment is only taking off the entry and the dirt piles, which would not be able to be developed very well. The majority of the property, 19.25 acres out of 22 acres, is the same request. Mr. Tuttamore stated that it would be hidden back from the road. Ms. Dress rebutted that it would still be adjoining residential property. Mr. Tuttamore replied that he just wanted clarification.

Ms. Dress asked, besides the 3.35 acres that Mr. Dlubak set aside, that would probably not have been developed anyway, because it included the entryway and the piles of dirt, had anything else changed in the request. Mr. Dlubak stated no. Mr. Tuttamore enquired from Ms. Dress whether the OCRPC had questioned the need to change the entire property and if that is where her question came from. Ms. Dress confirmed that it was.

Robert Culp, 6180 E. Port Clinton Eastern Road, Marblehead, Ohio 43440 was called upon and came forward. Mr. Culp said he felt the same way he did when he was here before. He did not know what had changed, since it was previously a unanimous vote. There are four criteria that have to be met, and they have not been met. He questioned why anyone would have a different vote, as nothing about this had changed. He stated that he is a good neighbor, knows all his neighbor's names, but had never met Mr. Dlubak. Mr. Culp said he moved to this neighborhood sixteen years ago. He likes it as a small-town community. He does not want to live with a business in his backyard. He stated that if you

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go around Danbury and the Marblehead peninsula there are marinas and bait stores and everything. In here, it was just for families and he, along with his neighbors, are very passionate about keeping it that way. Mr. Culp stated he has no ill will towards Mr. Dlubak and understands what he wants to do, but Mr. Dlubak resides in Upper Sandusky, not here. Here is where Mr. Culp raises his children and his family. He will one day leave his children this home. This is not a playground for him, this is where they live and want to raise their family.

The Chair asked if there were any other public comments regarding this application. There were none.

The Chair asked for a motion to close the public comment section of this hearing. Ms. Kopanski made the motion; Mr. Tuttamore seconded the motion. All were in favor and the motion carried.

The Chair stated the Commission will now deliberate the decision standards for a Map Amendment. Ms. Dress read through the decision standards and asked for the Commission's thoughts and comments. Mr. Tuttamore stated that the last time the Commission met, that they had agreed that the request did not meet any of the four criteria for change. There is no substantial change to the way they intend to use the property. Mr. Tuttamore said that he believes it lends itself to a motion for denial, since it does not appear that any of the decision standards are met.

The Chair asked if anyone from the Commission had anything further to add. There was none. The Chair asked if anyone would like to make a motion.

Mr. Tuttamore made a motion to deny case ZC-2024-249, as presented herein, finding that no decision criteria of Section 7.7.3.E. ii. of the Danbury Zoning Resolution as being satisfied. Mr. Strauss seconded the motion.

The roll call vote was as follows: Mr. Tuttamore – Yes; Mr. Kaminskis – Yes; Mr. Strauss - Yes; Ms. Kopanski - Yes; Ms. Dress – Yes; The motion passed 5-0. The Chair stated the Application has been recommended for **DENIAL**.

Ms. Dale gave a brief overview for those present what happens next and that those who received notice for this hearing will receive notice for the Trustee hearing date once that date has been set.

Public Hearing
ZC-2024-253
5542 E. Bayshore Road
Parker
Map Amendment

Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial of Section 4, Lot 20, PIN# 0141159815529000 consisting of 10 ac.

The Chair asked if there was any member who would have a conflict and wished to abstain. There was none. Ms. Dale said the record will show that Ms. Singer has been reseated. The Chair asked for a motion to open the public hearing. Mr. Strauss made the motion to open the public hearing, Mr. Kaminskis seconded the motion. All were in favor and the motion carried. The Chair asked Ms. Dale, the Zoning Administrator, to give the Commission an overview of this application.

Ms. Dale stated the applicant is proposing to rezone the 10-ac. property from "A" Agricultural to "R-C" Recreational Commercial. The applicant purchased the property in May 2024 and would like to split the existing single-family home and shed onto a lot of its own and leave the remaining vacant portion of the property undeveloped for the time-being.

In order to split the property under the "A" Agricultural zoning district that the property is currently zoned, the house lot and remaining property would both have to have 150' of road frontage and there is only 190' available. This would result in needing a variance for one or both of the new parcels. One of the decision criteria the Board of Zoning Appeals (BZA) considers is if the applicant can "*Obviate the matter through some other method than a variance.*" This specific criterion puts the applicant in a catch-22 situation because the BZA could deny them for not exhausting their other administrative options of requesting a rezoning to a zoning district that would permit a smaller lot split/lot frontage. If the BZA denies them a variance, due to the quasi-judicial nature of that Board, 'res judicata' prevents the applicant from making the same request twice, which may force the Zoning Commission into a rezoning. If this Commission denies the applicant a rezoning request, then the applicant can either request a different zoning district or go to the BZA and honestly explain that they exhausted their other administrative options and have no choice but to request a variance.

Should this rezoning be approved, when a residence is in a commercial zoning district, and it is serviced by public water & sewer, the residence is subject to the "R-3" lot standards, which would require 60' lots. Due to the placement of the house on the property, the house lot would end up with roughly 110' of frontage leaving the remaining land with 80' of frontage and compliant with the "R-C" and "R-3" district requirements without needing any variances.

Ms. Dale provided a summary of the surrounding zoning districts & uses of property and shared that the Land Use Plan calls for the property to be a mix of "Recreational & Marine" and

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“Neighborhood 3: High Density Residential”. The boundaries to these classifications should not be viewed as a hard line stopping or starting point, but more as a generality that can cross property lines or extend further than depicted if it makes good planning sense. “Recreational & Marine” is defined as an area that consists of developments that cater to recreation, camping, water recreation and tourism within the Township. Typified with campgrounds, boating activities, fishing and marine services. Uses include single-family, two & multi-family, civic and neighborhood commercial, waterfront & recreational businesses. “Neighborhood 3; High Density Residential” consists of urban development including detached single-family homes on smaller lots which may also include some multi-family and mixed-use type development. Typically, narrow streets, some alley use, walkable and compact neighborhoods. Uses include single-family, two & multi-family, civic and neighborhood commercial. The Commission had been encouraged in the staff report to review pages 13 & 17 of the Land Use Plan regarding Existing Conditions of the Township as well as the Vision Statement which begins on page 22 of the plan.

The Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 30, 2024, and held a hearing on October 15, 2024. Included in the Commission Members packets was OCRPC’s decision letter recommending **Approval**.

Ms. Dale concluded by reviewing the decision standards the Commission would be considering for the request.

The Chair inquired as to why the applicant chose R-C instead of R-3 and asked if it was because there were limitations to that being there was already R-3 in the area. Ms. Dale advised that she did not know why the applicant had chosen that, but he was advised of the zoning limitations and allowances when the original application was made. Ms. Dale referred additional questions regarding the applicant’s zoning choice to the applicant. Ms. Dale did advise that the intent to divide a house from the original property would be difficult under the agricultural zoning category.

The Chair asked if there were any questions from the Commission for Ms. Dale. There were none.

The Chair asked the applicant to come forward and provide their presentation.

Dale Edward Parker, Property Owner, 5542 E. Bayshore Road, Marblehead, Ohio 43440 came forward. Mr. Parker stated his intention is to sell off the existing house and ½ acre to go with that. He said that so far, the remaining land has been used for deer and wildlife in the back. He would like to have the option to build a house or develop the property in the future but has no plans for anything at this time. Because of the requirements for frontage, he decided to go this route. He also stated that after meeting with the county, his intentions fell into place with what he wanted to do with it, and it made the most sense to go this route.

The Chair asked if there were any questions for the applicant.

Mr. Kaminskas questioned if the applicant was aware of these restrictions when he bought the property four months ago. Mr. Parker answered that he had not been exactly aware but bought it because he wanted land here. He likes to hunt, and the property backs up to where the railroad tracks used to be, and he has deer stands back there. He advised he is a charter captain, so he runs fishing charters and is up here all the time. Mr. Kaminskas remarked that it seemed strange that the applicant would have bought the property in May and would not have done his due diligence to know he would have all these issues in changing the zoning. Mr. Parker stated that he asked the real estate agent about his options for the land, and they did not seem to think it would be that difficult to get the zoning changed, because of the commercial properties that abut this on both sides. Mr. Parker reiterated that he does not have a current plan for it, other than selling off the house that is currently there. Mr. Kaminskas explained some of the issues with changing the township agricultural land into more commercial zoning and the building of storage units on that property. Mr. Parker stated that it was not his intention, and he would rather see two single family houses on the property with five-acre lots. Mr. Kaminskas advised that the commercial zoning opens the possibility of the property owner building whatever they want, if it is permitted under the code, and the commission’s inability to do anything about it after that. Mr. Parker asked what his other options would be in order to sell off the existing house. Mr. Kaminskas stated that he did not have an answer to that.

Ms. Dale reminded the applicant that there were five members of the Commission, and each has a voice. She advised that she would recommend seeing this zoning process to completion with the Trustees and that he could always attempt a different re-zoning if this was ultimately not approved. She provided additional options for zoning that would fit what the applicant was trying to accomplish. Mr. Parker stated that it would be difficult to even use the property as agricultural due to the commercial businesses that surround it and the acreage (nine acres) being too small to use for a profitable crop.

Ms. Dress questioned the location of his house on the map provided. Mr. Parker showed the commission a zoomed picture of the property and how he wanted to divide the land. Ms. Dale provided the timeline for how long it would take for the applicant to split the property if the rezoning was

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approved. Mr. Parker answered questions about the surrounding buildings shown on the aerial photo of the property and how he wanted to divide the house and ½ acre lot from the remaining property.

Ms. Dale explained that the way he wants to divide the property would require multiple variances because it would not fall under measurements for agricultural zoning. Ms. Singer asked if it could be re-zoned R-2 or R-3. Ms. Dale confirmed that it could, but that is not the zone the applicant is asking for. Ms. Singer questioned that if the house were rezoned to R-C, it would lose its protection and whoever buys it could potentially turn it into a business instead of a residential home. Ms. Dale confirmed that the existing house could be turned into a commercial enterprise.

Ms. Singer asked how the neighbors would feel if this land was allowed to be zoned Recreational-Commercial. Mr. Parker answered that he has spoken to the neighbors, and they do not have a problem with it. He said some of the residents have encountered the same issues with building on their property.

Mr. Parker asked about the remaining process for changing the zoning and what recourse he would have if this was ultimately denied. Ms. Singer made statements regarding the Land Use Plan and the varying zones in the particular area of the applicant's property. She asked about the overview of the Land Use Plan and its goal in relation to this area of the township. Ms. Dale advised Ms. Singer that the location of this particular property could fit into multiple zones based on the type of zoning around it. Ms. Dale also explained how the various zones fit into the Land Use Plan.

The Chair asked if there were any other public comments regarding this application. There were none.

The Chair asked for a motion to close the public comment section of this hearing. Mr. Strauss made the motion; Mr. Kaminskas seconded the motion. All were in favor and the motion carried.

The Chair stated the Commission will now deliberate the decision standards for a Map Amendment. Ms. Dress read through the decision standards and asked for the Commission's thoughts and comments.

Ms. Dress stated that the applicant had several zoning designations he could have chosen based on the various zoned properties around his and was not taking a purely agricultural area and turning into something it is not. Ms. Kopanski agreed that anyone purchasing the house on the property will see commercial businesses on both bordering sides. At this time, Mr. Parker confirmed to the Commission that he had a buyer for the house, and it would remain residential after purchase.

Ms. Kopanski stated that the proposed map amendment followed Decision criteria "b" of the Danbury Zoning Resolution the best and Ms. Dress concurred.

The Chair asked if anyone from the Commission had anything further to add. There was none. The Chair asked if anyone would like to make a motion.

Ms. Kopanski made a motion to approve case ZC-2024-253, as presented herein, finding that decision criteria "b" of Section 7.7.3.E. ii. of the Danbury Zoning Resolution as being satisfied. Ms. Singer seconded the motion.

The roll call vote was as follows: Ms. Dress – Yes; Ms. Kopanski – Yes; Mr. Kaminskas - Yes; Mr. Strauss – Yes; Ms. Singer – Yes. The motion passed 5-0. The Chair stated the Application has been recommended for **APPROVAL**. Ms. Dale will be in touch with the applicant of the date set for the final hearing before the Board of Trustees.

Unfinished Business

There was none.

New Business

There was none.

Other Business

Ms. Dale gave an overview of the number of permits that were issued in October, some personal matters that arose at the end of the month and she apologized for not having more material for them to review or discuss regarding the Storage Regulations. She also introduced the new Zoning Assistant to the Commission.

Work session on Storage Regulations:

Ms. Dale said she wanted to summarize key issues for the next work session to make sure she gets to them what they wanted to see:

- Clarify under "Existing Storage Areas" that the registered plan would apply even if they don't have an existing building on the property but have an "open zoning permit".
- Can it be required of the property owners to sign an acknowledgement form that they are aware of a 2-year expiration date if no active work takes place?
- Eliminate under "New Storage" language, item A.i. and the under 1ac. language.
- Set a 5ac. minimum for any new storage area development.

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Mr. Kaminskas asked, in reference to the last zoning request that was approved, if these new restrictions were put into place and he decided to build storage, it would have to be on the back 1/3 of the property? Ms. Dale confirmed that under this type of language they are talking about implementing, he would only be able to build on the last 1/3 of the acreage.

Ms. Dress stated she was working on the math regarding landowners only being able to use the back 1/3 of their commercial property for storage units. This would only allow them to use 27% of the land to build on once setbacks are taken into consideration. She feels it is discriminatory to the property owner when those same restrictions are not placed on any other commercial properties. Ms. Dress advised she spoke to people who both owned storage units and those who utilized them. Both agreed that there is a great need for storage in this area and not just boat storage. For every person who says they do not need storage, there are others who do. She spoke to one storage facility owner who just completed 200 units, and they are 85% full already. The items stored are not just "junk", as one person who is adamantly opposed to storage put it. These items are stored for a variety of reasons. Examples were people running small businesses; using them to store equipment/tools that they would not be able to run their business without. Another was people who have combined two large households into one smaller household and need a place to store their items as they figure out what to keep. She spoke to a weaver who keeps her loom and supplies there due to a lack of space in her home. Current storage facility owners are not opposed to limiting the amount of storage units, because they can raise their prices without recourse due to demand. If you limit it, it will cause it to be pricier for those that need it.

Ms. Singer expressed her concern with storage sprawl and whether storing property was based on a desire or a need. Ms. Dress countered that people do not need a boat; they desire a boat. Any of our toys are a desire. Who is to say whose desire is more important?

Ms. Singer expressed concern about property value and about quality of life in the community. In this, she stated she was concerned that storage sprawl was affecting the Land Use Plan. She cited the Miami University storage study and the capacity between residents and the amount of storage. Ms. Dress countered that the study did not look at population versus storage; they just looked at boats versus storage.

Ms. Singer asked about the number of year-round residents and stated the year-round populace is small and there is a need for a balance between part-time and full-time residents. Part of moving to a community like this is that people will end up downsizing their larger houses into houses with a smaller footprint. There is a need to balance the tensions and there is concern that without zoning changes, things are getting out of balance. She also believes that there is a potential for storage to become commoditized and cause prices to become lower, versus managing that tension for the economic health of the community.

Ms. Dress stated that the same could be accomplished by requiring 5+ acres and requiring owners to landscape the property. She stated though that requiring them to the back 1/3 acreage would be indefensible, as no other business is required to do the same. It is making it a strong judgement call that we don't want it.

Mr. Tuttamore referenced the new construction that is being built on Rte. 269, on the corridor coming into the area. He expressed concerns about the size of the building and its relationship with the road. Similar construction that is so close to the road is concerning to him. Ms. Dress advised him that it was a pickleball court with a mezzanine, not a storage building. Ms. Dale advised him that the setback changed for commercial property from 70ft to 50ft years ago.

Mr. Tuttamore expressed his thoughts that if that building had been storage, with its closeness to the road and the height of the building, that it would be a monstrosity depending on how they make the building look cosmetically. He stated he is concerned about people coming into the Marblehead area on Rte. 269, with the potential for additional storage being built right on the roadway, with no consideration for how it looks. He believes this community is becoming a storage community.

Ms. Singer said she believed that the commission had also previously talked about looking at commercial districts to drive employment opportunities. She stated that while storage units may be being used by tradesman, there is not a large commercial manufacturing district that would facilitate or incubate that type of tradesman activity. Ms. Dress asked her to explain her statement. Ms. Singer explained that other communities have manufacturing districts so there would be economic areas for innovators and incubators designed to support small mom & pop businesses. Ms. Singer described an area in Indianapolis that turned part of the community into a hub for pharmaceutical, woodworking and craftsmen that they drew from the community. She stated that to focus on the Land Use Plan and ensure there are enough tradesmen in this community, then the Commission would have to focus on the district and control for storage sprawl. She believes that if they do not keep the focus on creating commerce through tourism and marina use, it will begin to infringe on the agricultural and large residential areas that over time will erode property values and quality of life for those who live here year-round.

Ms. Dress recognized that the 269 corridor is the entryway into the Marblehead area, but it is already full of commercial entities and questioned Ms. Singer about what she was saying about restricting commerce to the donut areas of zoning. Ms. Singer agreed with Ms. Dress about a previous

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statement regarding the need to incubate the commercial sectors, especially intersections, in a way that increases property value and quality of life. She stated that the appearance, mixture, how they are attracting those businesses align with the kind of community they are trying to grow. Ms. Dress stated that this could be accomplished by having stronger landscaping requirements in front of the property, not shoving commerce to the back 1/3 of the property. Mr. Tuttamore pointed out that then you have the same issue with the pickleball building going up on 269 and their landscaping.

Ms. Dale went over the need to enact more stringent landscaping requirements from how they are currently set, to accomplish some of the things the Commission is concerned about. She also advised that zoning would not be able to regulate the style of commercial construction and the limitations that the township has unless they appointed an architectural review board which would have to comply with Ohio Revised Code. Overall, under the zoning code, the Township cannot regulate the aesthetics of what is being built.

Mr. Tuttamore stated the issues he had with the placement of commercial structures on Routes 269 and 163. Ms. Dale explained what the setbacks are currently and why they were originally changed to accommodate the buildings that already existed on those roads. She stated that there were ways to “beef up” the landscaping requirements to help with the short setbacks.

Mr. Tuttamore pointed to the development where Erie Shuffleboard Club was built and that the storage on the property was behind the main, nicely appointed building. The parking lot is also set back from the roadway. He also pointed out that the positioning of the Beach Glass Lounge is pleasing, in relation to the distance from the road and the landscaping is nicely done. He also stated he liked the way they are constructing the spa building in front of the storage units on the property next door. It gives it a nice buffer zone on the front where people driving in have to look for the commercial business without it being right in their faces while coming down the roadway.

Ms. Singer stated that one of the other challenges from the Trustees was looking to see if in the future, the Township would have a glut of storage and the need to look at the percentage of use of commercial land now. When thinking about economic health and viability, you want to have a diversity of different kinds of commercial entities. The Trustees were concerned that sometime in the future, we could have a storage rust belt. There needs to be a focus on how the Township is attracting a wide diversity of commercial entities and not on one singular type of commercial business that changes the appearance of the overall community that we live in.

Mr. Huber pointed out that it follows demand. He stated that although the Commission would like to have diverse types of commercial business, they aren’t going to come here unless there is a demand for it. Someone is not going to build light manufacturing or a plant if there is no demand for that product here. Storage is what is in demand here. The storage unit owners stated when they were here previously that they could rent out anything they built.

Ms. Singer countered that there were ways to attract commercial businesses used by cities such as tax breaks. Mr. Huber stated that was not under the purview of zoning. Ms. Singer agreed but wants to make sure the Township is making smart choices in attracting more economic diversity in protecting the look of the peninsula and the Township.

Mr. Huber referenced the storage study and that the study did not account for things other than boats and campgrounds. He further stated that the storage seems to be being used by small business. Ms. Dress reiterated that she had posted the question about storage needs on social media and the consensus was about 50/50. Half stated they did not use storage, did not want it, and wanted to get rid of it. The other half had dozens and dozens of reasons why they use storage and how it fits their purposes. Some of it is business uses—one particular storage facility rents a couple of units to a company in Sandusky that has their tradespeople working on the peninsula on a regular basis and use the storage units to have extra supplies to prevent having to run back to Sandusky all the time. Mr. Huber stated it would be nice to know, from an economic perspective, what the diversity was. Ms. Singer agreed but stated it would require a needs assessment to be completed and that a more randomized way of polling the community was needed.

Ms. Dress pointed out that she also called storage unit owners and enquired about who they are renting to, the reasons that people are utilizing storage, what the demand is and how full they are. Their answers were also a mix of people and uses. Most of the storage facilities are full.

Mr. Tuttamore referenced driving down the 269 corridor and his belief that this is a particularly key area for commercial development. He believes that the focus of development should be on the corridors and not the entirety of the peninsula. If they want to keep up the pristine look of the peninsula, the corridors are the most important.

Ms. Dale went over what the Trustees had previously asked the commission to work on to include:

- The need to make changes to landscaping requirements in Section 5.8 and “beef-up” commercial requirements.
- How do we differentiate marina storage vs. general commercial storage & storage condominiums.

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- Include in excel data:
 - Total property size/acreage.
 - Total proposed building square footage & what that equates to in acreage or percent of land.
 - What percentage of land that is zoned for agricultural is actually farmed. Will need to review CAUV via Auditor's website.
 - Acreage of current storage – that is in the Miami University study.
 - Map unoccupied, vacant land by zoning district. Ms. Dale said some of that is in the Land Use Plan but is not updated to account for changes or new developments. Map how many 5 acre or more properties are available/already zoned commercial.

Ms. Dale also acknowledged Ms. Dress' statement that a commercial property, only being allowed to use 33% of their property, becomes extremely restrictive. Based on the setbacks and the lot coverage percentages, she asked Ms. Dress if there was a different recommendation that she would make other than the 33% that would make things fairer. Ms. Dress answered that it would need to be something that could give the property owner enough land to own a business and not be discriminated against. Looking at maximum lot coverage she cited the percentages that other zones allowed for building.

Ms. Dale stated that yes, those allowances were for the entire parcel, so if someone owns 5 acres, and they are allowed to build on the back 33% of the land, that may occupy 20% lot coverage within that back portion, but they still have the remaining 5 acres that they can go up to 60% on. Ms. Dress countered that with those restrictions, the property owner would not be able to have this one business without having another business on the property. No other business has that requirement. To have multi-use on your property, so you can use it fully. Ms. Dale replied that she did not disagree with Ms. Dress but pointed out that the Trustees were directing the Commission to address and reduce how much storage is being approved on a property at a time, so they don't continue with this surplus of storage. Or at least try to rein it in a little.

Mr. Huber asked if these restrictions would be putting the Township at legal liability, based on Ms. Dale's knowledge of zoning case law. Ms. Dale confirmed that zoning does regulate uses, locations and setbacks already, so while a blanket setback does not appear to be the way to go, this is an alternate way to require a setback. Mr. Tuttamore stated that the Township has a reason to want these restrictions. Ms. Singer said the Commission really did not know how discriminatory it would be unless they knew how much available vacant land there is above five acres.

Ms. Dale confirmed that the Trustees appeared to want it to be confined to the back of the property, but the Commission would have to do the math if they are going to set a five-acre minimum and what that looks like in different scenarios. The Commission would have to make sure it makes sense. If they set a restriction to only develop 33% of the land on a 5-acre plot of land, they would need to see where these tracts of land are located and how it applies to that parcel. We may find that 33% may not be the magic number but gives us a starting point to craft language to see if it makes sense or not.

Ms. Singer stated that they might need to speak to a builder and ask how much storage the property owner could even build given those restrictions. Ms. Dale agreed that additional research would need to be conducted. Ms. Kopanski agreed that it would allow her to better picture the storage as it would apply to everyone.

Mr. Tuttamore asked questions regarding the parcel that the pickleball court is being built on.

Ms. Dale stated it was a large parcel of land, much more than the 5-acre minimum. She agreed to run additional records regarding the availability of 5 and 5+ acre parcels that are zoned commercially and where in the Township those might be available, if at all. The restrictions may need to be increased to a higher acreage requirement based on that information. These restrictions may be getting into a Floor Area Ration (FAR) where you base the amount of square footage on the lot size. The FAR system is based on a ratio. It is an option available to the Township. Ms. Dale gave an example of how that was used in another city to limit how building and construction were used in a historic district. Ms. Singer requested to have Ms. Dale come back with an alternative definition based on FAR for the next zoning committee meeting. Ms. Dale said it is a floor area ratio based on lot size and restricts your square footage based on lot size.

Ms. Singer stated she would like to see a restriction like this with larger setbacks from the road. Ms. Singer also stated she would like a survey, similar to one conducted recently on Put-In-Bay, for year-round residents to give their opinion regarding the storage situation to know what the actual data is. It may also help to have the Trustees set up some economic development guidelines that are encouragements for commercial development in the future. Ms. Dale explained that some of the suggestions given would require corridor specific studies and plans relating to the Land Use Plan that the Trustees may not be willing to fund.

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Mr. Tuttamore stated that the focus he has seen, which he believes has limited and put a stress on the development of the land, is the long-term residents putting too high of a value on agriculture. Mr. Tuttamore stated that he knew, for a fact, the agricultural yields on this peninsula could not support anybody. Mr. Tuttamore inquired from a few zoning members about how long they had been in the area and what agriculture they remembered from the past. After several answers about orchards, he pointed out the limitations the soil conditions here affect the growing of crops and other cities using former agricultural land for other purposes.

Ms. Dale directed the Commission that they needed to stay focused on the original task about storage building limitations and confirmed she would bring additional research for the next meeting.

Reports and Communications from Members and Staff

There was none.

Public Comments Regarding Zoning Items Not on the Agenda.

There was none.

Adjournment

The Chair asked for a motion to adjourn. Ms. Kopanski moved to adjourn the meeting and Mr. Strauss seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 8:20 p.m.

Kathryn A Dale
RECORDING SECRETARY

Susan Dresser

Jodi Kopanski

Vito Kaminski

Robert Strauss

Barbara Singer
ZONING COMMISSION

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