

Held _____ December 19, _____ 20 _____ 24 _____

The Special Meeting of the Danbury Township Board of Trustees to discuss requests for map amendments at 6114 E Port Clinton Eastern Road, David and Edith Dlubak, Owners/Applicants and 5442 E Bayshore Road, Dale Edward Parker, Owner/Applicant, was held at Danbury Township on December 19, 2024, and was called to order at 5:00 pm by Trustee Dianne Rozak. The Pledge of Allegiance was recited.

Roll Call: Trustee Rozak, Trustee Hirt and Trustee Dress were present along with Fiscal Officer Brinkley Paul, Zoning and Planning Administrator Kathryn Dale, and Township Assistant Lynne James. Visitors in attendance were David Dlubak, Robert Culp, Dale Parker and Vito Kaminskas.

Ms. Rozak opened the meeting for public hearing regarding ZC-2024-249, 6114 E Port Clinton Eastern Road. Requesting a Map Amendment from A - Agricultural to R-C Recreational Commercial to rezone 19.25 acres of a 22.6 acre parcel located in Section 4, Lot 13, PIN# 0140400022988000 consisting of 22.6 ac. David and Edith Dlubak, Owners/Applicants; the meeting was then turned over to Ms. Dale for the staff report.

Ms. Dale stated the following:

DESCRIPTION:

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 did not, especially not the front of the property and agreed they would be open to refileing 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. 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.

SURROUNDING ZONING:

North:	"A" Agricultural	Single-family homes & farmland
East:	"A" Agricultural	Single-family homes & farmland
SE:	"R-C" Recreational Commercial	Approx. 1,100' is Behlke Storage Facility off Bayshore
South:	"A" Agricultural	Single-family homes & farmland
West:	"A" Agricultural & "R-2" Suburban Residential & "C-2" General Commercial	Single-family homes, horse farm & farmland Meadowlands Subdivision Approx. 1,025' is "The Attic" Storage Facility

LAND USE PLAN:

The Danbury Township Land Use Plan was adopted in 2017. 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 1; 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.

RECORD OF PROCEEDINGS

DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING 6114 E Port Clinton Eastern Road Map Amendment Request 5542 E Bayshore Road Map Amendment Request

Minutes of

Meeting

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

Held _____ December 19, _____ 20 _____ 24 _____

“Neighborhood 1; 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.

Staff would encourage Commission Members to review the Land Use Plan, between pages 13 & 17 to have a better understanding of the existing conditions of the Township and also review the goals, objectives & strategies that begin on page 22.

AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 30, 2024, and held a hearing on October 15, 2024. Attached is OCRPC’s decision letter recommending **Denial**. The Danbury Township Zoning Commission held a public hearing on November 6, 2023, and made a motion to deny the request, citing that no decision standards of Section 7.7.3.E.ii. were satisfied, resulting in a 5-0 vote for **Denial**.

The Danbury Township Zoning Commission’s Decision Criteria for considering this request includes:
Section 7.7.3.E.ii Map Amendments

- i. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- ii. The proposed amendment will make the map conform more closely with the Land Use Plan.
- iii. There has been a substantial change in area conditions that necessitates the amendment.
- iv. There is a legitimate need for additional land area in the zoning district that will be expanded.

STAFF RECOMMENDATION:

None.

Ms. Rozak asked and Mr. Dlubak confirmed, nothing other than the number of acres for rezoning has changed since the discussion at the Trustee Meeting on September 11, 2024.

Mr. Dlubak understands everyone’s concern and what he is really after is the ability to house guests for three to five days

Ms. Rozak asked and Mr. Dlubak confirmed this is not the front 3.25 acres of the property; as that was the Trustees concern and they did not want to see that change.

Ms. Rozak thanked Mr. Kaminskas for being at the meeting on behalf of the Zoning Commission. She asked if there was anyone wanting to speak regarding this case.

Mr. Robert Culp was acknowledged and asked to proceed. He stated that he was firmly against the rezoning of this property. His property is right next to Mr. Dlubak and his view will change as they are side by side neighbors. He purchased his property 16 years ago and further stated that there is no reason why the Dlubak property can’t remain zoned as is and Mr. Dlubak accomplish what he wishes to do with the property other than it taking a few more years, but it would still remain Agricultural. There are only a few properties on the peninsula that are still Agricultural and Mr. Culp is concerned that with it rezoned to RC – recreational commercial, he would be allowed to do what ever he wants with that property and does not even need to comply with what he is stating to the Board.

Ms. Rozak asked Ms. Dale to confirm that when this was discussed originally the rezoning would allow Mr. Dlubak to speed up a process that he would be able to do some point in time anyway.

Ms. Dale said what she understands is that having the winery, the vineyard must be producing, then you can move into wine production. When wine production is established, there are other ancillary uses associated with the winery. Restaurant, Event Center, Wedding Venue, Housing for Guests. But yes, everything he is wanting to do can be done, it just may take five years to get to that point. Whereas if rezoning is approved, he can start submitting plans any time after the rezoning takes effect.

Held _____ December 19, _____ 20 _____ 24 _____

Mr. Dress said his feelings have not changed; he feels that putting commercial in the middle of agricultural is a mistake. It opens a door for anything commercial; ideas change, plans changes, property changes hands. Couple that with the fact that what he wants to do can be done without rezoning, it will only require a few more years and the key fact is it will remain Agricultural.

Mr. Hirt felt that Mr. Dlubak would wind up with the same venue back there, with or without the Trustees approval.

Mr. Culp said that may be true, but there are other commercial recreational things that can be done outside of agricultural at a later date. If it takes him a bit longer, he still gets what he wants, but it prevents him from doing anything other than what is in Agricultural zoning. He asked could a campground eventually go back there and Ms. Dale confirmed that rezoned RC, yes there could be a campground.

Mr. Dlubak stated he has no intent on doing that. There are 400 vines there now and over 100 fruit trees with another 200 vines going in this next year, with plans on producing wine in 2025 from the existing vines. Most of the acreage is being used for that and the three-and-a-half-acre pond that is being stalked with around 1,000 trout from the Castilla Trout Club. This will not turn into a facility with a lot of cars going in and out. It will not be open to the public. Event center is designed to hold 30-40 people.

Ms. Rozak asked of the 19.25 acres, how much vacant land is remaining and Mr. Dlubak stated approximately 2 acres.

Mr. Hirt asked if he planned on living in the current house and he said yes, in the summer months, but there would be year-round use of the property for entertaining business clients.

Mr. Dlubak further stated the property is being put into and Irrevocable Trust. In other words, what they have it designed to do, will not be changed. So, if it goes out of his and his wife's hands, it is all stipulated in the Trust.

Mr. Culp further stated that there is no reason to rezone this property and he is adamantly against the rezoning.

After Ms. Rozak thanked everyone for their comments, she made the motion to approve the amendment, Mr. Hirt seconded with the roll call vote as follows: Ms. Rozak: Yes Mr. Dress: No Mr. Hirt: Yes. All ayes and rezoning was approved.

Resolution 29-2024 Adopting an application for a map amendment to the Danbury Township Zoning map for 6114 E. Port Clinton Eastern Road for David and Edith Dlubak as follows:

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 5:00p.m., on December 19, 2024, at the Danbury Township Hall, 5972 E. ~~Harbor Road~~, ~~Port Clinton~~ E, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr./ ~~Ms.~~ Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 29 - 2024

A RESOLUTION ADOPTING AN APPLICATION FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, David & Edith Dlubak, Owner of the property located at 6114 E. Port Clinton Eastern Road, Lot 13, Section 4, PIN# 0140400022988000, filed Case No. ZC-2024-249 requesting a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial to rezone 19.25 ac. of the 22.6ac parcel, and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on October 15, 2024, and recommended denial of the proposed map amendment as presented; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on November 6, 2024 and by motion and vote, recommended 5-0 to deny the proposed map amendment; and

WHEREAS, on December 19, 2024, the Board of Trustees held a public hearing on said amendment, received public comment, and reviewed all pertinent documents; and

RECORD OF PROCEEDINGS

DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING 6114 E Port Clinton Eastern Road Map Amendment Request 5542 E Bayshore Road Map Amendment Request

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Meeting

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

Held _____ December 19, 20____ 24____

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to overturn the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that the Decision Criteria "iii" of Section 7.7.3.E.ii of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
- 2) That this portion of property be subject to the regulations of Article 3 ("R-C" Recreational Commercial) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking standards; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 4) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Ms. Hirt seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

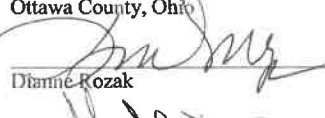
Vote Record: Ms. Rozak Yes Mr. Dress No Mr. Hirt Yes

ADOPTED this 19th day of December 2024.


Attest:


Brinkley Paul
Fiscal Officer

Board of Trustees
Danbury Township
Ottawa County, Ohio



Dianne Rozak


John Paul Dress


David Hirt

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 19th day of December, 2024 and filed with the Danbury Township Fiscal Officer.


Brinkley Paul
Danbury Township Fiscal Officer

Ms. Dale stated if there is no petition of referendum filed, then it becomes effective 30 days from tonight's date, December 19, 2024.

Ms. Rozak concluded Mr. Dlubak's public hearing. Mr. Dlubak and Mr. Culp then left the meeting.

Ms. Rozak moved to opened the meeting for public hearing regarding ZC-2024-253, 5542 E Bayshore Road. Requesting a Map Amendment from A - Agricultural to R-C Recreational Commercial of Section 4, Lot 20 PIN# 0141159815529000 consisting of 10 ac. Dale Edward Parker, Owner/Applicant; the meeting was then turned over to Ms. Dale for the staff report.

Ms. Dale stated the following:

DESCRIPTION:

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

Held _____ December 19, _____ 20 _____ 24 _____

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 rezoning 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.

SURROUNDING ZONING:

North:	"C-2" General Commercial & "R-3" High Density Residential	Commercially zoned farmland & Single-family homes
East:	"A" Agricultural & "R-C" Recreational Commercial	Single-family homes Multi-Family
SE:	"A" Agricultural & "R-3" High Density Residential	Wooded LaFarge land Marblehead Estates Subd. Single-family homes
South:	"A" Agricultural	Wooded LaFarge land & vacant railroad bed
West:	"A" Agricultural & "C-2" General Commercial & "R-C" Recreational Commercial	Single-family homes & wooded land Rose Hotel/Motel & Marine Mobile Storage Marine Mobile Storage Facility

LAND USE PLAN:

The Danbury Township Land Use Plan was adopted in 2017. The Land Use Plan calls for the property to be a mix of "Recreational & Marine" and "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.

Staff would encourage Commission Members to review the Land Use Plan, between pages 13 & 17 to have a better understanding of the existing conditions of the Township and also review the goals, objectives & strategies that begin on page 22.

AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on September 30, 2024, and held a hearing on October 15, 2024. Attached is OCRPC's decision letter recommending **Approval**. The Danbury Township Zoning Commission held a public hearing on November 6, 2023, and made a motion to approve the request, citing that the decision standards of Section 7.7.3.E.ii. were satisfied, resulting in a 5-0 vote for **Approval**.

The Danbury Township Zoning Commission's Decision Criteria for considering this request includes: **Section 7.7.3.E.ii Map Amendments**

- i. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- ii. The proposed amendment will make the map conform more closely with the Land Use Plan.

RECORD OF PROCEEDINGS

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

Held _____ December 19, 20____ 24____

- iii. There has been a substantial change in area conditions that necessitates the amendment.
- iv. There is a legitimate need for additional land area in the zoning district that will be expanded.

STAFF RECOMMENDATION:

None.

Mr. Parker stated he is selling the house, but wants to build in the back and have options for the property down the road.

After a brief discussion, Ms. Rozak motioned for approval to rezone and Mr. Dress seconded; with the roll call vote as follows: Ms. Rozak: Yes Mr. Dress: Yes Mr. Hirt: Yes. All ayes and rezoning was approved.

Resolution 30-2024 Adopting an application for a map amendment to the Danbury Township Zoning map for 5542 E Bayshore Road for Dale Edward Parker as follows:

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 5:00p.m., on December 19, 2024, at the Danbury Township Hall, 5972 ~~E-Harbor~~ ^{Port Clinton E.} Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Mr./Ms. Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 30 - 2024

A RESOLUTION ADOPTING AN APPLICATION FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Dale Edward Parker, Owner of the property located at 5542 E. Bayshore Road, Lot 20, Section 4, PIN# 0141159815529000, filed Case No. ZC-2024-253 requesting a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial to rezone a10 ac. parcel, and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on October 15, 2024, and recommended approval of the proposed map amendment as presented; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on November 6, 2024 and by motion and vote, recommended 5-0 to approve the proposed map amendment; and

WHEREAS, on December 19, 2024, the Board of Trustees held a public hearing on said amendment, received public comment, and reviewed all pertinent documents; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to uphold the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that the Decision Criteria "ii" of Section 7.7.3.E.ii of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
- 2) That this portion of property be subject to the regulations of Article 3 ("R-C" Recreational Commercial) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking standards; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Meeting

6114 E Port Clinton Eastern Road Map Amendment Request

5542 E Bayshore Road Map Amendment Request

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

Held _____ December 19, _____ 20 _____ 24 _____

meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and

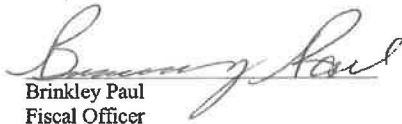
4) That this Resolution shall be effective at the earliest date allowed by law.

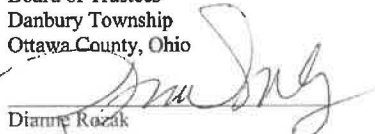
~~Mr.~~ Ms. Dress seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak Yes Mr. Dress Yes Mr. Hirt Yes

ADOPTED this 19th day of December, 2024.

Attest:


Brinkley Paul
Fiscal Officer

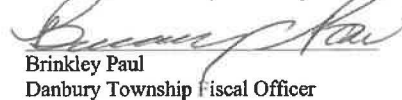
Board of Trustees
Danbury Township
Ottawa County, Ohio

Dianne Rozak


John Paul Dress


David Hirt

AUTHENTICATION

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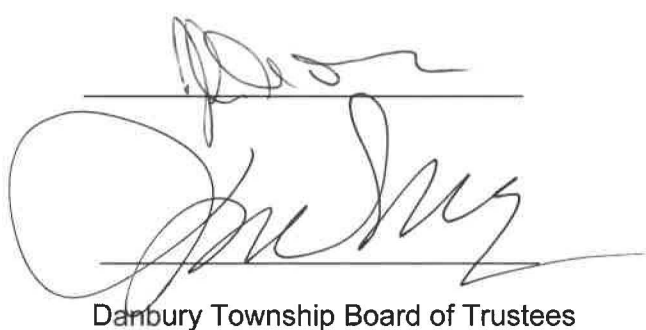

Brinkley Paul
Danbury Township Fiscal Officer

Adjourn

Ms. Rozak thanked everyone for attending and there being no further business before the Board regarding this special meeting, Ms. Rozak motioned and Mr. Dress seconded, to adjourn at 5:56 pm. All ayes and motion carried.


Fiscal Officer




Danbury Township Board of Trustees

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING
6114 E Port Clinton Eastern Road Map Amendment Request
5542 E Bayshore Road Map Amendment Request

Meeting

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Held _____ December 19, _____ 20 _____ 24

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