

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

January 15, 2025

Held _____

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:00 p.m. by Chair, Mr. Clyde Shetler at the Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Mr. Clyde Shetler, Vice-Chair, Ms. Sherry Roberts, Secretary, Mr. Greg Huffman, Member, Mr. Joseph Fetzer, Member, Joseph Kruse, Alternate, Julie Cottingham and Alternate, Mr. James Switzer. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Steve & Kelly Brickner.

Ms. Dale read the rules of order for the meeting proceedings. The Chair asked Ms. Dale if all the documents relating to the cases had been received and were in proper order. She indicated that they were. The Chair swore in Ms. Dale.

Ms. Dale advised the Board that the owners of the Pickleball facility at 355 South Bridge Road have withdrawn the application (BZA-2024-287) that was scheduled to be a continuance hearing this evening. She stated the owners intend to submit a new application for a hearing in February.

The Chair introduced the first case of the evening.

**Adjudication Hearing
Case BZA #2025-001
128 Leddy Lane
Steve & Kelly Brickner**

Request for an Area Variances to Section 5.1.7 to allow for an addition to encroach into the north, side-yard setback (2'6" proposed/ 5' required).

The Chair asked if there were any Board Members who would have a conflict and wished to abstain from this hearing. There was none. Ms. Roberts moved, and Mr. Fetzer seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale explained to the Board that a revision was submitted for this variance. She said the staff report was updated and revised drawings had been attached to that. Ms. Dale advised that the revision resulted in eliminating the need for one of the two originally requested variances. Ms. Dale continued that the applicant reduced the size of their garage, after receiving final information from their surveyor, which reduced the square footage of the garage by 60 square feet. This negated the need for a variance to lot coverage, because now it will be conforming at 39.8%. With the garage being reduced, the overhang will now be three feet away from the north side property line, instead of the advertised 2.5 feet. Because the request is now better or less impactful than what was advertised, there is no need to re-advertise this modification or continue the hearing. Ms. Dale stated the property is part of the Tonsing C Subdivision which was platted in 1959. The applicant is proposing to construct a 14.6' 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', where 5' is required. The proposed overhang of the addition will be 3' from the north, side property line and the garage addition wall and foundation will be 4' from the north, side property line where 5' is required. The applicant is proposing a 940s.f. addition onto the existing house which will result in a lot coverage of 39.8% where 40% (1,958s.f.) is permitted. Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations.

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

Steve Brickner, Owner, 6175 W. Tiffin Street, Bascom, Ohio 44809 and 128 Leddy Lane, Marblehead, Ohio, was called upon and sworn in. Mr. Brickner stated that the only comments he had were that they have many grandchildren and by removing the deck and adding the garage, although it sounds big, it is not going to be that big. It is going to be comfortable for them to have their family involved in exercising (utilizing the space) at home. He said they are trying to maximize the garage and yard for their family. He said that he had talked to the neighbors, and they were good with his plans and his hope that the variance would be approved.

The Chair asked if any Board Member had any other questions for the applicant.

Mr. Kruse asked the reason for the breezeway. He said on the application it is listed as a breezeway, but the site plan shows it as a laundry and some other use. He questioned why the laundry area could not be put at the back of the house and the garage moved over to comply with the setbacks.

Mr. Brickner said there are no laundry facilities at the house right now. He said they would like to move to the house permanently and would need a laundry facility. He continued that the laundry area would only be about six feet wide, so not very big, but relevant for them moving up here. Mr. Brickner explained that they called it a breezeway initially, but it is really going to be an entry laundry facility. Mr. Kruse asked, again, about putting it on the back of the house. Mr. Brickner said they had considered that, but said they would have to walk all the way around to the back to do that. He continued that all

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held _____

January 15, 2025

the current plumbing is in the bathroom located by the proposed laundry and that is where the water supply comes in.

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

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

Mr. Kruse motioned to recess into the executive session to deliberate the merits of the case. Mr. Huffman seconded the motion, and the roll call vote was as follows: Mr. Kruse – yes; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 6:15 p.m.

Ms. Roberts moved, and Mr. Huffman seconded the motion to reconvene. The roll call vote was as follows: Mr. Kruse – yes; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 6:28 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2025-001:

With regard to BZA-2025-001 Request for an Area Variance to Section 5.1.7 to allow for an addition to encroach into the north, side-yard setback (3' proposed/ 5' required) for the property located at 128 Leddy Ln:

1. The property in question **will** yield a reasonable return and **can** be used beneficially 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.
2. The request **is not** substantial due to how these additions are constructed and the ability to tie in rooflines.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the addition is fitting to the style of the house.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities are available to the property.
5. The applicant states they were not aware of the zoning restrictions at the time they purchased the property in 2020.
6. The property owner's predicament **can** feasibly be obviated through some method other than a variance because everything could be reduced by 2' in width to meet the side -yard setback requirement.
7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no known negative impact to the neighboring properties.

Mr. Huffman moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (7) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative, and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

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

Motion Seconded by: Ms. Roberts. Roll Call Vote was as follows: Mr. Kruse – no; Mr. Fetzer – yes; Mr. Huffman – yes; Ms. Roberts – yes; Mr. Shetler – yes. Vote 4-1 the motion passed.

The Chair stated that the application has been approved, and the applicant can pick up permits following the Board's next meeting which is February 19, 2025.

**Approval of Board of Zoning Appeals
December 18, 2024 Regular Meeting Minutes**

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

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held _____

January 15, 2025

Signing of Decision Sheets

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

- a. **BZA-2024-312 253 N Worthy.** Request for an Area Variance of Section 5.2.D.iii to allow for an accessory building to be placed closer to the house than allowed (2' proposed/5' required). **Tim and Lori Kleman, Owners/Applicants**

Unfinished Business

There was none.

New Business

- a. **1-Year Extension Request (Set to Expire January 18, 2025):**
BZA-2023-287 272 Perryview. Request for an Area Variance from Section 5.5.7 to allow for 120' of 5' high fencing to be replaced with 6' high fencing in the front yard, where 5' is the maximum height permitted. **Patrick & Renee Rancour, Owners/ Applicant.**
- b. **1-Year Extension Request (Set to Expire January 18, 2025):**
BZA-2023-291 0 S. Bridge (PIN# 0140467606665051). Request for a Conditional Use in accordance with Section 3.4 and Section 4.15 for 16 cabins and 67 campsites Recreational Camp/Campground. Also requesting Area Variances from Section 4.15.2.C to allow 10 cabin sites and 10 campsites to encroach into the required 45' south, side-yard setback and 60' east, rear-yard setback and Section 4.15.2.F to reduce the amount of open space (2.5ac. required/ 2 ac. provided). **Samuel Downing, Agent; Steven Isenberg, Owner/Applicant.**

Ms. Roberts made a motion to approve the extensions for 1-year. Mr. Kruse seconded. All were in favor and the motion passed.

Other Business

Ms. Roberts asked about having alternates come back and observe executive sessions. Ms. Dale advised the Board that they were waiting on an Ohio Supreme Court ruling regarding open or executive sessions, so it may not matter in the future if all deliberations were in an open session. She also explained that while they could come back to observe, they would not be allowed to participate or talk in discussions since they are not seated for the hearing.

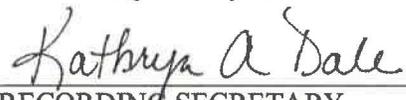
Reports and Communications from Members and Staff

There was none.

Adjournment

Ms. Roberts moved to adjourn the meeting and Mr. Huffman seconded the motion. All in attendance were in favor and the motion carried.

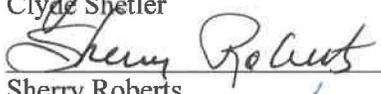
The meeting was adjourned at 6:39 p.m.



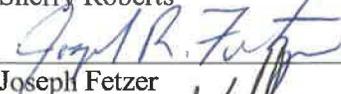
RECORDING SECRETARY



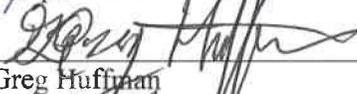
Clyde Shetler



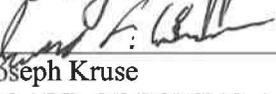
Sherry Roberts



Joseph Fetzer



Greg Huffman



Joseph Kruse
BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held _____

January 15, 2025

INTENTIONALLY LEFT BLANK