

# RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS &amp; SUPPLIES 644-224-3338 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

## Danbury Township Board of Zoning Appeals

December 18, 2024

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:06 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, Member, Mr. Joseph Fetzer and Alternate, Mr. James Switzer. Secretary, Mr. Greg Huffman, and Ms. Cottingham were excused. Mr. Kruse is absent, and Ms. Roberts is not in attendance yet. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Jill Stephenson, William Stephenson, Tim Kleman, Sonja Kristensen, and Cheryl Furnas.

Ms. Dale advised the applicants that although there were two members of the Board missing, the Board had a quorum to move ahead with the hearing proceedings. Ms. Dale also advised the applicants that they did have the option of continuing their hearings until January when the full board would be present. She stated that if their case were heard tonight, it would require a unanimous vote of all three present Board members to pass. Ms. Dale then corrected herself and stated it would just require a majority vote of the present Board members. Ms. Dale said that when Ms. Roberts arrives and a vote is taken, if it results in a tie between the four members, cases would automatically be continued until January due to not having a tie-breaker member to vote.

Ms. Dale asked the Stephenson's if they wanted to have their hearing tonight, and they chose to proceed. Ms. Dale asked Mr. Kleman, and he also chose to proceed.

Alternate James Switzer was sworn in by the Board.

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.

Vice Chair, Ms. Roberts was present at 6:16 p.m. with apologies.

The Chair introduced the first case of the evening.

**Adjudication Hearing  
Case BZA #2024-287  
355 S. Bridge Road**

**Peninsula Endeavors/Roberta Bero/Jill Stephenson**

**Request for an Area Variance from Section 5.10.3.C.ii to allow for a reduction in the number of required on-site commercial parking spaces (85 required/ 62 proposed).**

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

Ms. Dale stated the property is family owned and has recently discontinued the boat storage and fiberglass repair business on the property. They are opening a new 100' x 170' (17,000s.f.) indoor pickleball facility named "The Backyard" that will include 6 indoor courts, a pro shop, 2 indoor golf simulators, a kitchen and beverage area, and a mezzanine. A 2,400s.f. building that was part of the former business has remained on the property at the rear of the new building for storage of equipment.

The owners received a zoning permit (Permit# 2024-223) in September 2024 for the construction of the new building. Part of the review process for new construction is to ensure that landscaping and parking are planned for and installed per the zoning requirements outlined in Section 5.8 & 5.10. The landscaping plan has not yet been finalized and will need to be submitted to the zoning office for review and to supplement their permit prior to occupancy of the building.

The parking plan was required to provide 1 parking space for every 200s.f. of the 17,000s.f. building that the public would be occupying, which resulted in 85 parking spaces being required. According to the site plan provided by the applicants at the time the permit was issued, 92 spaces were shown on the site plan, satisfying, and exceeding this requirement. The property owners are now coming to this Board to request alleviation of 30 (23 required/7 were extra) of the parking spaces, bringing down the total number of spaces to be provided on the property to 62. The applicants have outlined in their narrative statement their argument as to why they are asking for this request and why they feel 62 parking spaces will be ample to serve this building and use. Part of their argument is that 14,000s.f. of the building will be occupied by the 6 pickleball courts, that at the most will have 24-30 people on them at any given time. They also explain that some of the area where these 30 parking spaces were planned to be installed, they would like to use for outdoor use such as cornhole and other outdoor yard game activities for other patrons not participating in pickleball. 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.

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**William Stephenson**, Owner, 355 S. Bridge, Marblehead, Ohio, was called upon and sworn in. Mr. Stephenson said they recognized that it is one parking spot for every 200 square feet, but that 14,000 square feet of the building was only going to be used by 24 people at a given time. He stated that one of the reasons that they do not necessarily want to go forward with that many parking spots is the cost, to include expensive excavation, stone, and pavement when he does not believe they are ever going to use that. He said they cannot imagine having more than 65 spots being used at one time, when the building cannot hold that many people. Mr. Stephenson went on to state that the additional costs, long term, of maintaining that, with snow plowing, de-icing, and resealing, they would rather use for their outside green area. Mr. Stephenson explained that the green area would be used for recreational games. Mr. Stephenson continued that the indoor facility would be much busier in winter than in the summer because people would be outdoors doing other activities. They would like to capitalize on that by offering outdoor activities to help them get through the slow summer season to be a successful business. Mr. Stephenson went on to state that if the sixty-five parking spaces that they want were full, it would be great for their business. They would not want to turn anyone away by not having enough spots and would put more in, but they currently do not believe that more would be needed. He said the architectural drawing initially showed a 90-person capacity for the building with 50 people in the pickleball court area, twenty in the lobby and twenty where the golf simulator will be going. Mr. Stephenson stated his belief that sixty-five parking spaces for a 90-person occupancy should be plenty and they do not believe it would be that many people at one time. He explained there is not that much free space in their building. He said that if you break down the 70,000 square foot building, with 3,000 square feet being the lobby/entertainment area, then you would only be required to have fifteen parking spaces for that. The 14,000 square feet would require seventy spots where the pickleball courts are. With their courts, it will only be twenty-four people and possibly twenty-six with referees.

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

Ms. Roberts asked what their entertainment area was going to be. Mr. Stephenson answered that it was going to be a seating area with self-serve taps. The area would be 30' x 100' where you could sit and look over the pickleball courts. There will also be two golf simulators that will be able to watch people play. Ms. Roberts then inquired about their self-serve taps. Mr. Stephenson answered that they would be beer taps. Ms. Roberts asked what kind of liquor license and Mr. Stephenson said it was a D1, D2 and D3 license. Ms. Roberts expressed her concern about having twenty-four people playing at one time, but you could have other people coming in. Now that the business is going to serve liquor, they must have food. Mr. Stephenson confirmed this. Ms. Roberts went on to say that there would be people watching pickleball, another shift coming into play while the other teams are finishing, which could be forty-eight people, not counting the people that are sitting around watching, eating, and drinking. Mr. Stephenson answered that there would be a bit of an overlap, but there was no room in the entertainment area for a large number of people. Ms. Roberts stated that people would still need a place to park when they got there. Mr. Stephenson stated that area would only be occupied by about forty people and with twenty-four people on the court, it would still be in the neighborhood of ninety people which is what the architect showed.

Mr. Switzer asked what percentage of the people might carpool. Mr. Stephenson stated that those numbers would be if everyone drove themselves and they believe most groups would have several people riding together.

Ms. Roberts inquired when they were planning to open, and Mr. Stephenson answered at the end of March. Ms. Roberts then stated that the owners were not going to have a real handle on the amount of business the winter was going to bring them then. Mr. Stephenson said that winter will be their better time of year. He stated their original plan was to be open this fall and that it did not work out. He said he believes they will get a summer boost this year because the business is new and hopefully that carries them through to the winter. Having an outdoor area is important to bring in business during the summer. Mr. Stephenson said he does not believe that it would compete with the same parking spots as their indoor facility because that part of the business would drastically die down. Ms. Roberts asked why they could not put the original planned parking spaces in now and then come back after a full business year to see how much parking they actually needed. Mr. Stephenson said he would like to do the opposite of that, so they are not incurring those upfront costs and denying them their outdoor profitability. Putting in the additional parking spaces means losing that outdoor activity area. The parking area would have to be excavated, stoned, and paved. If that parking is not needed, they would have to dig all that back out to turn it into an outdoor area. Mr. Stephenson said he would rather start with sixty-five spots and see if more is needed.

Ms. Roberts asked how much seating would be around the bar. Mr. Stephenson said it was not an actual bar type setting. He said there would be about eight different tables around the golf simulators and entertainment area. Mr. Stephenson stated that the bar part was more of an afterthought and initially it was going to be strictly pickleball. The beer draft systems are big in pickleball, and the applicants

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were approached about putting a system in. Mr. Stephenson said they are bringing it in to help sustain the business and not rely solely on pickleball court fees.

Mr. Switzer asked what the surface space was going to be for the outdoor area. Mr. Stephenson answered that it would be grass. Mr. Switzer asked if there was anything preventing them from using the grass area for parking in the winter if it was needed. Mr. Stephenson answered that they were planning to have some hardscape in that area which would possibly include walkways, fire pits and some gazebos.

Mr. Shetler asked Mr. Stephenson to confirm that the drawing indicated all the parking spaces were in the back and on the side. Mr. Stephenson pointed out the spots they would like to eliminate along the north/northeast corner. Mr. Shetler then inquired if they were going to have a solid surface to play cornhole on and Mr. Stephenson said there may be some concrete pads for the boards and for people to walk through the area. Mr. Shetler pointed out that this outdoor activity area was not in the original plans. Mr. Stephenson agreed, stating that this was like a second phase that they hoped to complete this year. Mr. Shetler asked about parking in the front of the building and was shown the spots closest to the road.

Ms. Roberts asked if they planned to increase their liquor license. Mr. Stephenson said they did not plan to do that. Ms. Roberts then inquired about the percentage of food they are required to sell to be able to sell liquor. Mr. Stephenson said they are required to have hot food and cold food options. Ms. Roberts advised the applicant to verify the percentage of food they are going to have to sell for their license. Mr. Stephenson said he only has to offer the food for their licensing.

Mr. Fetzer asked if the food area was going to be self-serve, where you scan your card to charge your purchases. Mr. Stephenson said it was.

Mr. Switzer asked if they kept the cornhole area all grass, could they not use it as overflow parking if it was needed, since there is nowhere else to park, except for their own property. Mr. Stephenson said they are hoping to put up several outdoor pickleball courts in that area too. They would have to move those courts up closer to the building to accommodate the parking spaces if they put the additional spots in.

Mr. Fetzer asked Mr. Stephenson to point out in his drawing which parking area they were asking to remove and asked if they owned any additional land behind the parcel shown. Mr. Stephenson said they did not own land outside of this area and showed Mr. Fetzer the potentially eliminated parking spaces.

Mr. Shetler stated that it sounds like the driving force of reducing the parking area is to reduce costs. Mr. Stephenson said it was putting in the spots and the deficit of not having potential income, during the summer, in that space. Mr. Stephenson acknowledged the need to have additional parking if it was for a retail store but does not believe that more than sixty-five spaces are needed in this business. He does not feel that their parking lot will be full, but acknowledges that if it is full, it is good for their business. If they find the need for more parking, they will have to take some area away from the outdoor activities.

Mr. Switzer asked if the surface of the outdoor pickleball court would be blacktop and if it could occasionally be parked on. Mr. Stephenson stated it was, but the coating they put on the exterior courts was expensive and they did not want to screw them up. He is concerned about damaging them when using shovels or a snowplow. He stated it would have to be parking or pickleball court, but not both. Mr. Switzer asked if there were going to be indoor tournaments and Mr. Stephenson said they were hoping to have them. When asked about additional parking needed for those, Mr. Stephenson said that he did not believe there would be more than sixty-five cars. He also stated that the two - three cars from their employees could be parked in the old building that they use as a shop.

Ms. Roberts stated that along with the liquor license they will also have a food license. Mr. Stephenson confirmed that to be true. Ms. Roberts asked Ms. Dale if zoning restricted them from using the facility as a party center. Ms. Dale stated it would not, but if the business were deemed a restaurant, it would have required them to have even more parking spaces than it currently does. It would have been one space for every eighty square feet instead of one space for every two hundred square feet. It would also take into account any outdoor seating areas, even if they weren't used year-round, which would potentially raise the amount of parking spaces required. Mr. Stephenson does not believe the parking needs would be increased in the winter, as opposed to the summer. He stated that if you break down the building, only 3,000 square feet up front is the space where people would be and that it would require about fifteen parking spaces.

Ms. Roberts asked how long ago the applicants had laid out their plans. Mr. Stephenson stated it had been just over a year prior that they started the process. Ms. Roberts questioned whether they had thought about parking at that time. Mr. Stephenson said they had considered it, but the plans for the building had changed since that time. Ms. Dale confirmed that their initial plans did not contain an outdoor activity area, just the observation area, restrooms and pickleball courts. There was some discussion regarding the concessions food that would be available, and Ms. Roberts advised them to

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confer with liquor control in terms of what they needed to sell. Mr. Stephenson said it would be food like pretzels or nachos, not restaurant food.

**Jill Stephenson**, Owner, 355 S. Bridge, Marblehead, Ohio was called upon and sworn in. Ms. Stephenson stated she took the serve safe classes and will be taking online alcohol classes for their permit. She stated she believed they just had to have food available if they serve alcohol, not a requirement to sell a certain amount of food. Ms. Stephenson emphasized that the business is not selling themselves as a bar or restaurant at all. Their primary purpose is recreation and socialization. They will not be advertising as a bar with bar nights or open until 2 a.m. The alcohol sales are secondary to the business. She said they are using alcohol sales to bolster their revenue, instead of relying on just pickleball. She went on to say that they are not expecting anyone to come to their bar area, because it is not a bar, and they do not have bar type seating or restaurant seating. Their downstairs area set up may be three tables with four chairs each, so twelve people can sit in the lobby concession stand entrance area. She said there would also be a couple of tables and chairs upstairs courtside. She continued that their sister and co-applicant had a vision for the green space outdoors to eventually have a couple of outdoor pickleball courts, cornhole, badminton and a nice outdoor area for people to sit if they are not pickleball players. This is their hope for the summertime to draw people into the business.

Mr. Stephenson added that the playing hours for pickleball would be 7:00 a.m. until 10:00 p.m. and they would not be staying open for typical bar hours. It would be so people could remain to play a round of golf with the simulator and sit down to have a beer with friends.

Mr. Shetler asked if they were planning to have a reservation system to control when people come in and Mr. Stephenson answered that they were.

Mr. Switzer inquired about the location of the planned outdoor area in relation to the existing building on the property. Mr. Stephenson confirmed that the area he was indicating was where they hoped to have their outdoor area. Mr. Switzer asked about reserving that grassy area for future potential parking and determining in one year if the reduced number of parking spots fit with their actual attendance/parking needs. Mr. Fetzer stated that they would need to ensure that there was enough radius for cars to pull in and out of that area. Ms. Dale asked if they were talking about the six planned parking spots along the easternmost property line. Mr. Switzer answered in the affirmative and stated that if the applicants left that area as grass, if they were to need that section for parking, it would not cost to convert that so cars could park on the grass. Ms. Dale stated that the applicants were asking to eliminate all thirty parking spots in that section that were in their initial application. Mr. Switzer stated that if the applicants could shift their hardscape to the west, they would have an area that could be utilized for additional parking if needed. Mr. Stephenson opined that it may not be worth it to just gain six spots. Mr. Switzer conveyed that he was trying to give the applicants an option to have some reserve space for parking if it was ever needed. Ms. Roberts asked how long it would take to convert the grassy area into dedicated parking if it was needed. Mr. Stephenson answered that it would probably take several weeks. They would have to have someone remove the first four inches of grass and put down stone. Then it would depend on if the business were going to pave it or leave it stone. He said there is also cost in disposing of the dirt from the excavation. Mr. Stephenson again stated that he did not believe there would be a need for that many parking spaces and if they were correct, and they had to convert that area back to grass from parking spaces, it would cost even more to replace it.

Ms. Dale asked the applicant about their reservation system and how it was going to work. Mr. Stephenson stated that the courts would be reserved for one-to-two-hour sessions. Ms. Dale asked if there would be a gap between reservations to allow people to clear out before the next set of players arrived to avoid overlap. Mr. Stephenson said he was not sure if their software had that option. Ms. Dale stated that if the applicants were able to regulate that, it would help to negate some of the parking concerns. It would also lessen the possibility of cars backing up onto Rte. 269 and the impact on potential neighboring properties. She expressed the concern that if the next group of players are coming in, previous players are still spending time together in the building and the parking lot is full, that the new people will naturally start parking on neighboring properties and that would not be allowed. Ms. Stephenson stated that she was familiar enough with the reservation software that she could confirm it was customizable, and she understood what the Board was asking for when placing a gap between reservations.

Mr. Switzer asked what the typical peak period loading of the courts was based on when they drew up their initial plans. Mr. Stephenson said they did their valuation off approximately 30%. He agreed that 80% may be what the peak period would be. He went on to explain the normal peak hours for pickleball courts and that the morning/daytime hours would not see anyone utilizing the self-service draft system or all the food options. They may grab water, a pretzel, or a protein bar, but those players are typically strictly there to play pickleball and then leave when they are done. After 5 p.m. is when there is the most potential for people to use those amenities along with the lobby area and other stuff.

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Ms. Stephenson stated there will always be food available, but their concessions would not always be open for taking orders.

Ms. Roberts asked what kind of kitchen the applicants are putting in. Ms. Stephenson stated it was set up to accommodate a hood if they want one. They are not going to have a deep fryer, but they do have a commercial air fryer and commercial microwave. She went on to state that they will have self-serve coolers where customers can grab things like granola bars and fruit. She also confirmed that there would be a multi-sink unit. Ms. Stephenson stated if someone wanted something hot to eat, and the concessions stand was not taking orders, there would be microwaveable options that people could choose from as well.

Mr. Shetler asked what the anticipated employment level was. Mr. Stephenson answered that they were anticipating 5-6 people, who would mostly be the applicants and other family members.

Ms. Dale advised the applicants that although she had no idea how the Board was going to vote, she wanted them to be aware that if the Board voted against granting the variance, that due to *res judicata*, the applicants would not be able to ask for the same variance again. If denied, the applicants could only come back to the board with a significantly different request. Ms. Dale stressed that a decision tonight could have a significant impact on the applicant's business. She stated the concern about asking for this variance before the business even opened, instead of waiting to see what their parking needs were with actual customer numbers. She asked the applicants if they were comfortable with going on with the hearing and ensured they knew that if their application is denied, they would be required to put in all the parking from their initial plans, unless they came back with a substantially different request. Ms. Dale told the applicants they had the option to continue the hearing until a later date with no decision on it at this time and the option for the applicants to come back with more factual information.

Mr. Switzer asked Ms. Dale about the applicants leaving part of the area grass, but where cars could park and having them come back later with better business plan numbers based on usage. Ms. Dale answered that if the Board grants this variance as it is presented, it would be hard for the Township to come back and require additional dedicated parking because the lower number of spots was already granted to the applicants. Mr. Stephenson asked if there could be verbiage placed in this variance that the Township could require additional spots if warranted and the applicants would have to put them in. Mr. Fetzer asked Ms. Dale for confirmation that another property had a condition like that granted on their variance. Ms. Dale confirmed but stated that the Township attorney had concerns about putting caveats on variances instead of just approving or denying it. She advised the Board and applicants that they could agree to a conditional grant on the variance, which could protect the applicants from full potential denial. Ms. Roberts expressed concern that granting the variance now, even with conditions applied, would cause problems later for neighboring property owners and parking issues. Mr. Stephenson stated that they could start with the outdoor activities closer to the building and leave the northeast area a grassy open area that could be utilized for parking. Mr. Switzer stated that they could use a less permanent hardscape for the first year to add flexibility to the property. He then inquired if the applicants had to turn in a landscape plan and Ms. Dale confirmed that they did.

Mr. Shetler asked if emergency services had reviewed the applicant's plans for the accessibility of emergency vehicles. Mr. Stephenson answered that the Fire Department had their original plan, but did not believe they had seen or reviewed the revised plan. Mr. Shetler expressed concern that emergency vehicles may not be able to properly maneuver in a full parking lot based on the applicant's plan.

Mr. Switzer endorsed Ms. Dale's suggestion about the applicants asking for a continuance and stated he did not believe the Board had enough information to make a decision at this time because they did not have a plan showing what the outdoor space was going to permanently look like. He said that he did not know if they would be creating a hardship if the applicant's variance was granted and then they were required to add more spaces. Mr. Stephenson agreed that he was unsure as well and they would have to work on a plan.

Ms. Dale advised the applicants that it may be best to continue the hearing until January to allow them to discuss and update how they intend to use the outdoor activity space and identify the area they would use for shadow parking if it were needed. Ms. Roberts also advised the applicants that they should speak to the Fire Department about the parking lot plans, as well, before the next meeting. Mr. Shetler concurred with speaking with emergency services needed to be done. Mr. Switzer reiterated that the applicants needed a more solid outline of what their outdoor plans were going to entail.

Mr. Stephenson agreed that a continuance would give them time to get more concrete answers to questions that were asked by the Board members.

Ms. Roberts made a motion to continue the hearing until January 15, 2025. Mr. Switzer seconded the motion. The roll call was as follows: Mr. Switzer – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the hearing continued until January 15, 2025, at 6:00 p.m.

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## Danbury Township Board of Zoning Appeals

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Adjudication Hearing  
Case BZA #2024-312  
253 N Worthy  
Kleman

**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).**

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

Ms. Dale stated that the applicant is proposing to install an 8' x 10' (80 s.f.) shed in the SE corner of the property and will meet the required 5' side and rear-yard setback requirements. The new shed is proposed to be 2' from the house where a 5' separation is required. 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.

**Tim Kleman**, Owner, 253 N. Worthy, Marblehead, Ohio 43440 was called upon and sworn in. Mr. Kleman reviewed the paperwork and stated it was as he had submitted. The Chair asked if there were any additional or supplemental documents that he wished to enter into the record. There was none. Mr. Kleman stated that his wife did not want their yard implements and his fishing gear to be left in the house. The shed would allow him to store that equipment and dress up the area around the shed. He said the shed is cute gingerbread looking plastic with a skid underneath it.

Mr. Switzer asked if it was going to sit on gravel and Mr. Kleman answered that it was. Mr. Shetler confirmed with Ms. Dale that they were only looking for a variance from the applicant's house.

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

Mr. Switzer asked if a setback variance could have been applied for and was advised that it could have been, but the Board could not consider that because the legal notices were specifically for this type of variance.

The Chair asked if there was anyone else in the room that wished to speak on this matter that was not signed in for this case.

**Ms. Cheryl Furnas**, 261 N. Worthy, approached and was sworn in. She asked if the applicant wanted to put something else up in his yard whether he would have to apply for another variance or if this variance would cover anything he wanted to do in the yard. Ms. Dale confirmed that the variance was only for this shed and he would have to apply for another variance for any additional building. Ms. Furnas said thank you and that was her only concern.

Ms. Roberts 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. Fetzer motioned to recess into the executive session to deliberate the merits of the case. Ms. Roberts seconded the motion, and the roll call vote was as follows: Mr. Switzer – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 7:21 p.m.

Mr. Fetzer moved, and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Mr. Switzer – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:36 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2024-312:

**With regard to BZA-2024-312 being a request for Area Variances to Section 5.2.D.iii to allow for an accessory building to be placed closer to the house than allowed (2' proposed/5' required) for the property located at 253 N Worthy St:**

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 and the zoning resolution is not denying the owner reasonable use of the property or the ability to provide accessory structures.
2. The request is not substantial because the variance is from themselves. The side and rear setback requirements as well as height and lot coverage will be met.
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 structure is behind the house and in the same general vicinity as neighboring accessory buildings.

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4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing, and any utility extensions or upgrades will require approval from the appropriate County agencies.
5. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance in part because the house sits so far back on the lot. The zoning restrictions require accessory buildings to be placed in the side or rear yard. To locate this shed in front of the house would have required other variances.
6. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no known negative impact on adjoining properties.

Mr. Fetzer moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (6) 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. Switzer – yes; Mr. Fetzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. Vote 4-0 the motion passed.

The Chair stated that the application has been approved and the applicant can pick up permits following the Board's next meeting which is January 15, 2025.

### Approval of Board of Zoning Appeals November 20, 2024 Regular Meeting Minutes

Mr. Fetzer made a motion to approve the November 20, 2024, regular meeting minutes as presented. Ms. Roberts seconded the motion. All were in favor, motion carried.

### Approval of Board of Zoning Appeals October 16, 2024 Amended Minutes

Ms. Dale advised the Board that they needed to approve the amended minutes from the October 16, 2024, meeting due to a copy and paste error in the original document.

Mr. Fetzer made a motion to approve the Amended Minutes from the October 16, 2024, meeting. Ms. Roberts seconded the motion. All were in favor, motion carried.

### Signing of Decision Sheets

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

- a. **BZA-2024-266 399 Hidden Beach.** Request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the north, side-yard setback (4.14' proposed/ 5' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted (20%; 194.8s.f allowed/ 60.4%; 589s.f. proposed). **Scott Ziembowicz, Owner/ Applicants; Lee Short, Architect/Agent.**
- b. **BZA-2024-274 2498 Knobhill.** Request for Area Variances to Section 5.2.D.iii to allow for a detached accessory building to encroach into the north, side-yard setback (5' required/ 1' proposed), into the west, rear-yard setback (5' required/ 1' proposed) and to be separated from the existing house deck by 1.5' (5' required). **Sonja Toma, Owner/ Applicant.**
- c. **BZA-2024-280 9608 E. Bayshore Road.** Request for Area Variances from Section 5.2.D.iii to allow for a garage addition onto an existing garage to encroach into the east, rear/side-yard setback (2.5' proposed/ 5' required), Section 5.2.1.A.i.b. to allow more cumulative accessory bldg. square footage than allowed (1,200s.f. permitted/ 1,680s.f. proposed) and to Section 7.12.3.A to allow more square footage to be added onto a nonconforming structure than permitted (20%; 120s.f. allowed/ 180%; 1,080s.f. proposed). **Brad Hutcherson, Owner/ Applicant.**

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held \_\_\_\_\_ 20 \_\_\_\_\_

Danbury Township Board of Zoning Appeals

December 18, 2024

- d. **BZA-2024-281 525 Hillcrest.** Request for Area Variances from Section 5.1.7 to allow for an addition to encroach into the west, front-yard setback (16.4' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted (20%; 599.2s.f allowed/ 78.6%; 2,198s.f. proposed). **David & Wendy Stahanczyk, Owner/ Applicant; Evan Jones, Architect/Agent.**

Unfinished Business

There was none.

New Business

- a. **1-Year Extension Request (Set to Expire December 20, 2024):**  
**BZA-2023-267 626 Lakefront.** Request for an Area Variance from Section 3.5 to allow for an addition to the existing house that will result in the maximum lot coverage to be exceeded (55% allowed/ 59.1% proposed). **Thomas & LuAnn Ramsdell, Owners/ Applicants; Feick Design Group, John Feick, Architect/ Agent.**  
Mr. Fetzer made a motion to approve the extension. Ms. Roberts seconded. All were in favor and the motion passed.
- b. **Election of Officers**  
Mr. Fetzer made a motion to keep the Board Officers the same for 2025. Ms. Roberts seconded the motion. All were in favor and the motion passed.
- c. **Acceptance of By-Laws and 2025 Meeting Schedule.**  
Ms. Roberts made a motion to approve the By-Laws and 2025 Meeting Schedule. Mr. Switzer seconded the motion. All were in favor and the motion passed.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Adjournment

Mr. Fetzer moved to adjourn the meeting and Mr. Switzer seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 7:48 p.m.

Kathryn A Dale  
RECORDING SECRETARY

Clyde Shetler  
Clyde Shetler

Sherry Roberts  
Sherry Roberts

Joseph R. Fetzer  
Joseph Fetzer

James Switzer  
James Switzer

BOARD OF ZONING APPEALS