

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

March 19, 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, Member, Mr. Joseph Fetzer, and Alternate, James Switzer. Secretary, Gregory Huffman, Member Joseph Kruse and Alternate Julie Cottingham were excused. Ms. Kathryn Dale, Zoning & Planning Administrator, was also present. Visitors present included Jill Stephenson, Roberta Bero, Bill Stephenson, Margaret Lenthe, Tim Brown, Linda Brown, Joseph & Anita Lieser, Richard Zilch, Jonathan Earl.

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.

Before the first two cases were introduced, Ms. Dale explained to the applicants, that there were only 4 Board Members present. While this was quorum, it was not a full Board. She explained that should their case result in a tie vote, it would automatically be continued and reheard next month. Ms. Dale explained that according to the Board's By-laws, a majority vote is needed for the case to be decided. So, they need 3 members to vote the same way in order for a decision to be reached. Ms. Dale gave both applicants the option to continue now until next month when a full Board might be present or proceed as planned this evening and see what happens. Both applicants indicated that they wished to proceed this evening.

The Chair introduced the first case of the evening.

Adjudication Hearing  
Postponed Case BZA #2025-009  
355 S. Bridge  
Peninsula Endeavors  
Bero-Stephenson

**Request for an Area Variance from Section 5.10.3 to reduce the parking size to 9' x 18' for 71 of the parking spaces where 10' x 20' is the size required. Section 5.10.3.C.ii to reduce the number of parking spaces required to 79 (85 required). Section 5.10.4.A.i to allow the edge of the parking area to be 3' from the property line where 5' is required from the west, front property line and east rear property line.**

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 occupying 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.

In December 2024, the property owners applied for a reduction of 30 planned parking spaces under BZA Case# 2024-287. They were offering to provide 62 parking spaces instead of the required 85. During the hearing, concerns were raised about fire access and maneuverability on the property as a result of where the 30 parking spaces were to be eliminated. There were also concerns regarding the overlap of patrons coming to the facility and not being able to find parking available. The Board also requested that the applicants provide more details on their intentions for the use of the outdoor yard space where they intended to eliminate parking and whether that space could be used for overflow parking if it became necessary. As a result of wanting more information, the hearing on that application was continued until January 2025. Ultimately, the applicants withdrew their request, thus the continuation hearing did not take place, and the applicants refiled a new request with this application now under consideration.

The owners are requesting the parking requirement be reduced from 85 parking spaces to 79 parking spaces (elimination of 6 spaces). In order for those 79 parking spaces to fit on the property and allow them to have the outdoor yard space they desire for activities; the parking spaces would need a



RECORD OF PROCEEDINGS

Minutes of

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Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

variance to be reduced in size from the required 10' x 20' to 9' x 18' for 71 of the 79 parking spaces. The edge of the parking lot from the west, front property line and east, rear property line are also proposed to be 3' from the property line where 5' is required.

The property owners did meet with the Fire Chief as a result of the 1<sup>st</sup> application concerns, and his requests are included in the packet as Exhibit #3. The Fire Chief will be requiring the property owner to post "No Parking" signs along the south property line and drive lane for emergency equipment to have unobstructed clearance to the rear of the property. Additionally, on the east, or back side of the existing building, a "No Parking – Fire Lane" is to be painted on the parking lot to keep that area unobstructed as well for emergency vehicles to access the back part of the building, any outdoor activity area and to ensure space for maneuverability of the emergency equipment.

The applicants have outlined in their narrative statement their argument as to why they are asking for this request and why they feel 79 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.

The Chair asked if there were any questions for Ms. Dale. Ms. Roberts said she's not sure if it's appropriate for now or for later, in terms if, if the Board decides to grant less parking spaces, or 4 square feet less than what the minimum was required originally, what recourse is there for us or them if they need more parking? Ms. Dale said they are located on a State Route, so obviously safety is going to be the first & foremost concern. Neighbors are not going to be happy if their patrons start using neighboring parking areas and vehicles are not going to be permitted to line SR269. If that happens, then they are going to have to fix their scheduling or they may have to make other plans regarding their planned outdoor space and use that area for additional parking overflow. Ms. Roberts asked if they would have to come back before the Board if that becomes an issue. Ms. Dale said no, because at that point; what they're asking for with this application is a reduction of 6 parking spaces instead of the 30 they were requesting a few months ago. Ms. Roberts asked for clarification on how many parking spaces they are required to have. Ms. Dale responded 85. Ms. Dale said to finish her previous thought, if they need more parking, they're going to have to figure that out because they can't cause a safety or annoyance issue for neighbors, but it wouldn't require them to come back before the Board because if 6 or more spaces end up being needed, any variance approval essentially becomes null-in-void at that point.

The Chair called upon the applicant to come forward and be sworn in.

**Roberta Bero**, Owner, 314 E. Main Street, Marblehead, Ohio, came forward and was sworn in. Ms. Bero reviewed the paperwork and stated it was as she had submitted. The Chair asked if there were any additional or supplemental documents that she wished to enter into the record. There was none.

Ms. Bero said, thank you for hearing from us. My sister & brother were here a few months ago with our original request, and there were a lot of questions and concerns raised. We went back to the drawing board, talked to the Fire Chief and got some answers for you on the food service and other details that were asked about. During this time, we also met with Ms. Dale again and talked about alternatives that we thought might work better for both the Township and for us. That's when we came up with this new plan. It allows us to use some of the outdoor space that we'd like to have, which is green space to entertain outside. We are looking at having outdoor cornhole, badminton and those sorts of things. In order to make sure that the outdoor space is usable, we had to reduce the parking from 85 to 79 and the parking sizes from 10' x 20' to 9' x 18'. During our research, it seems to be that the standard sizes of parking spaces are 9' x 18' and that is what is used at Lakeside. The other thing we would need is to have the edge of the parking 2' closer to the west and east property lines, so that it is 3' from those property lines instead of the required 5'. This is so people have maneuverability in the parking lot, for safety reasons and to make it a little more comfortable so it's not quite so tight.

One of the biggest reasons why we have come to ask for alleviation is because our building is unique in that there are 6 pickleball courts that take up 14,000s.f. of the 17,000s.f. building. Those 6 courts and the space they are in are required to have the same modern parking spaces as any other commercial use, but because only 24 people can be on those courts at the same time, maybe 30 if there are coaches or referees, we feel the requirement doesn't make sense for our use.

What we are seeing from other facilities is that the indoor facilities are not used as much during the summer seasons because people tend to play outside at other locations. We are trying to balance any downtime there might be for the indoor pickleball courts by offering some outdoor activities and we think the parking will balance itself out because in the winter months, the outdoor activities we offer won't be used. It was asked how we intend to manage the parking, if the variance is granted, and we start to get more traffic or vehicles needing parking spaces. There are a couple of ways we intend to address this. The first one is through our scheduling for classes and court time. We can manipulate that just like they do for club volleyball teams or indoor soccer. We'll likely have a morning wave and an



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held

March 19, 2025

afternoon wave. If we host a tournament, we would do the same thing, where one wave comes in, has time to clear out before the next, later wave comes in. We can also stagger class times with court reservations so people aren't all coming at the same time. If for some reason we are doing all this and we still don't have enough accommodations, which would be a nice problem to have, we would then use the outdoor green area out back where the cornhole, croquet and badminton are located. We could easily add 6 additional spaces there and possibly more. Ms. Bero said she would be happy to answer any questions the Board has.

The Chair asked if any Board Member had any questions for the applicant. Mr. Switzer asked Ms. Bero if she had any plans on how to mark the gravel parking. Ms. Bero said they are going to use either cement or rubber parking blocks to mark each of the parking spaces. She said the handicap parking spaces will be marked with signage as well. We will make sure with the fire department that the drive lane will stay clear, that the back SW area of the building will also be marked as a fire lane so they can maneuver their equipment and larger trucks. If we do this, then they said they will be okay with the way we have the parking set up. Ms. Dale said she would suggest they check with Ottawa County regarding the handicap spaces because those may be required to be paved from the start and may not be allowed to be gravel. Ms. Dale said if she recalls, she thinks that is in the Building Code as a requirement for accessibility reasons.

Ms. Roberts asked, if you go back to the 10' x 20' parking spaces, how many could they fit? Ms. Dale & Ms. Bero said 62, which is what they had shown on their previous application a few months ago. Ms. Roberts asked how many they are proposing now? Ms. Bero said 79 and we're required to have 85. After going back and rethinking things and reconfiguring, we do think this is a much better plan. Ms. Bero said she thinks that the 14,000s.f. where only 24-30 people will be is a significant factor. We understand the need, as a Township, to have parking in public spaces for safety reasons and so not to disturb neighboring properties, so we appreciate the need for the requirements.

Ms. Roberts said she likes the idea of giving them a little more flexibility to encroach into the setback requirement, but she really has a concern with the 9' x 18' parking space size because they are dealing with a population that is her age or a little younger. They aren't going to be dealing with young kids that can just whip into a parking space. Ms. Roberts indicated she was just leery of the size because of the ability of the population that will be coming to the property and them being able to park in smaller parking spaces. Ms. Bero said she understands her concern because when she parks somewhere, she likes a little more space to be able to get out of the car comfortably with a bag or whatever, but it is a normal size found all across the nation, including out in California. However, if we don't size the spaces down a little bit, it prevents us from using the space in the back of our facility to offer alternative activities and make sure our revenue streams remain consistent.

Mr. Fetzer shared that he was appreciative of Ms. Bero and her family for their responsiveness to Ms. Dale's email sent to them in December that summarized all of the Board's concerns and for them to work with those concerns and for them to be willing to pause and think through some of the issues. Mr. Fetzer said maybe neither side is totally happy, but everyone kind of gets a little bit of what they need with this current request. Ms. Bero said she appreciates that and thinks that what they came up with is better for everyone involved and is a better plan, that also has some flexibility should something happen that we need some overflow because where the cornhole, badminton and croquet will be, there will not be permanent structures. Mr. Fetzer asked if the outdoor pickleball courts would be grass. Ms. Bero responded and said no, they will be a hard surface, but they would be away from where any overflow parking may need to go.

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

The Chair asked if there was anyone present with standing who wanted to testify.

**Maragret Lenthe**, 9679 E. Bayshore Road, Marblehead, Ohio came forward and was sworn in. Ms. Lenthe stated that she wanted to address Ms. Roberts' concerns, cars nowadays are not as big, long or fancy wide as they used to be. Ms. Lenthe said she is used to parking in spaces that are tight, and she thinks 9' x 18' is sufficient. She said she can understand her concerns if there was a big dually truck or something, but she doesn't see that coming here.

The Chair asked if there were any other questions, comments or members of the public that wished to add anything further. There were none.

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

Ms. Roberts motioned to recess into the executive session to deliberate the merits of the case. Mr. Switzer 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 6:33 p.m.



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

Ms. Roberts moved, and Mr. Switzer 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 6:50 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2025-009:

With regard to BZA-2025-009 Request for an Area Variance from Section 5.10.3 to reduce the parking size to 9’ x 18’ for 71 of the parking spaces where 10’ x 20’ is the size required. Section 5.10.3.C.ii to reduce the number of parking spaces required to 79 (85 required). Section 5.10.4.A.i to allow the edge of the parking area to be 3’ from the property line where 5’ is required from the west, front property line and east rear property line for the property located at 355 S. Bridge Road.

- 1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used for this commercial use as well as any other commercial use listed for the “C-2” General Commercial zoning district.
- 2. The request **is not** substantial because the net gain of being able to provide the number of parking spaces closer to the amount required seems to be more of an important factor in being able to better accommodate patrons and staff.
- 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 so long as patrons do not start using neighboring commercial properties for overflow parking.
- 4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) since utilities are existing and available to the property.
- 5. The applicant’s narrative statement says they were not aware of the specific zoning requirements based on building size vs. usage.
- 6. The property owner’s predicament **can** feasibly be obviated through some method other than a variance by implementing the plan that was approved with the zoning permit showing that the parking requirement can be satisfied.
- 7. The spirit and intent of the zoning resolution **would be** met because this request seems to be a better balance of being able to provide enough parking to accommodate the use of the property with the option of overflow on the north, back end of the property.

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) (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 W/ THE FOLLOWING CONDITION.**

- 1.) That any parking spaces being provided on a gravel material are always adequately marked either through signage, wheel wells, or some other demarcation so patrons know how and where to park at all times.

Motion Seconded by: Mr. Switzer. 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 April 16, 2025.



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March 19, 2025

The Chair introduced the second case of the evening.

Adjudication Hearing  
Case BZA #2025-014  
10240 E. Bayshore Rd  
Stuckert's Bay Willo Lodges LLC  
Brown

Request for a Conditional Use for a Resort Expansion in accordance with Section 3.4 & 4.17 to allow for 2 new cabins.

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 would like to expand the existing resort on the property by adding two additional cabins. One cabin is proposed to be 24' x 36' (864s.f.) in size and the other 30' x 60' (1,800s.f.). The Stuckert/Brown family has owned the property since 1960. The property was rezoned in 2002 (Case# ZC-2002-172) from "R-3" High Density Residential to "R-C" Recreational Commercial at the request of the property owners. The uses on the property at that time included a single-family dwelling, a detached 3-car garage and 5 rental cottages. In 2012, an Area Variance was granted to allow Cottage #1 to be torn down and maintain a 10' setback where 55' was required, when the structure was rebuilt. In 2013, since Cottage #3 conformed to setback requirements, it was permitted to be torn down and rebuilt with a more modern cabin. In 2017, the owners requested an Area Variance from Section 5.1.1.A.ii to allow for a second detached garage (30' x 40'), causing the cumulative square footage of all detached garages to equal 1,970s.f. (1,200s.f. max allowed).

The property contains 5.1353 acres and is permitted to have up to 5 units per acre (25 units total). With the addition of these 2 cabins, they will have 7 in total, well below what they are permitted to have. All setbacks, building separation & minimum building size, parking and open space requirements are satisfied. 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 Brown, Agent, 6924 Traymore Court, Mentor, Ohio, was called upon and sworn in. Mr. Brown 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. Brown said what they are looking to do is add an additional cottage to the property. Mr. Brown referred to the map of the property that was in the Board's packets and said that the smaller 24' x 36' is the cottage they are looking to do in 2025. He said the 30' x 60' structure is a future plan. He shared that Ms. Dale suggested they show it now even though they don't have immediate plans for that building, but due to the timing of the approvals, she suggested they show it now if they think they might build it in the next 3 years. The new cottage will be in line with the existing structures on the property. Mr. Brown said that photos were included in their packets of what the structure will generally look like. He said it does show a garage underneath the cottage, but that part or the basement will not be built due to the terrain. It will include 2 bedrooms and have a small porch on the front.

The Chair asked if there were any other questions from the Board. There were none.

The Chair asked if there was anyone present withstanding who wanted to testify. Linda Brown was signed in and asked if she wished to speak. She indicated she did not. Joseph & Anita Lieser were signed in but when called upon, they stated they did not wish to speak. There was no one else present for this hearing.

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

Mr. Switzer motioned to recess into the executive session to deliberate the merits of the case. Mr. Fetzer 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 7:03 p.m.

Mr. Switzer moved, and Mr. Fetzer 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 7:16 p.m.



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Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2025-014:

With regard to BZA-2025-014 being a request for a Conditional Use for a Resort Expansion in accordance with Section 3.4 & 4.17 to allow for 2 new cabins for the property located at 10240 E. Bayshore Road:

- 1. The Conditional Use **will** be harmonious with and in accordance with the **general** objectives of the Danbury Township land use plan because the Land Use Plan calls for this property to be used for Recreation and that focus should be on infill development of existing properties as opposed to expansion of the commercial zoning districts. The Land Use Plan also encourages supporting retention and expansion of existing businesses.
- 2. The Conditional Use **will** be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use **will not** change the essential character of the same area because the property is currently being used as a Resort and the proposed cabins will be of a similar character of the existing cabins on the property.
- 3. The Conditional Use **will not** be hazardous or disturbing to existing or future neighboring uses because, again the property is currently an established Resort and the location of the two additional cabins will not be any closer to neighboring structures than the current structures on the property.
- 4. The Conditional Use **will not** be detrimental to property in the immediate vicinity or to the community as a whole because, for the same reasons aforementioned in #2 & #3 above.
- 5. The Conditional Use **will** be served adequately by essential public facility and services because utilities to the property are existing and can be expanded in accordance with the regulating agency regulations.
- 6. The Conditional Use **will** have vehicular approaches to the property which **will** be designated so as **not to create** an interference with traffic on surrounding public/private streets or roads because the existing driveway on the property is adequate to accommodate two additional cabins.

Ms. Roberts 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) are all met to show that:

- a. The request **is** consistent with the Conditional Uses specifically mentioned in the “R-C” Recreational Commercial Zoning District and the intent and purpose of the zoning resolution; and
- b. There **is** a preponderance of reliable, probative and substantial testimony and evidence that **supports** the applicants request for the Conditional Use.

Therefore, the Conditional Use should be accordingly **APPROVED**.

Motion Seconded by: Mr. Fetzer. 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 April 16, 2025.

Before the next two cases were introduced, Ms. Dale explained to the applicants, since they were not present at the beginning of the meeting, that there were only 4 Board Members present. While this was quorum, it was not a full Board. She explained that should their case result in a tie vote, it would automatically be continued and reheard next month. Ms. Dale explained that for Mr. Zilch’s case, one of the Board Members was going to have to recuse himself because he is a neighbor, thus only 3 members will be hearing his request. In both instances, according to the Board’s By-laws, a majority vote is needed for the case to be decided. So, in the case of Zilch, he needs 2 members to vote the same way and in the case of The Earl’s, they need 3 members to vote the same way in order for a decision to be reached. Ms. Dale gave both applicants the option to continue now until next month when a full Board might be present or proceed as planned this evening and see what happens. Both applicants indicated that they wished to proceed this evening.



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The Chair introduced the third case of the evening.

Adjudication Hearing  
Case BZA #2025-022  
7620 Downend  
Zilch

**Request for Area Variances to Section 5.2.1.A.i.b. to allow more cumulative accessory building space than permitted (1,200s.f. allowed/ 1,418s.f. proposed) and to Section 5.2.1.D.iii. to allow for a lean to addition to encroach into the south, side-yard setback (5' required/ 3.75' proposed).**

The Chair asked if there were any Board Members who would have a conflict and wished to abstain from this hearing. Mr. Fetzer indicated he would be abstaining because this address is within his required radii of recusal. 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 purchased this property in 2018 and at that time, the 30' x 32' (960s.f.) garage was existing. The applicant is proposing to add a 5' x 24' lean to storage addition on to the existing garage on the south side. This additional accessory building space will be approximately 3.75' from the south, side property line where 5' is required. In 2020, a 12' x 32' (384s.f.) lean to/ porch was constructed on the west side of the garage without a permit. The applicant was notified and retroactively received the permit. However, in hindsight, staff should have required them to get a variance since the square footage exceeded 1,200s.f. (1,344s.f. at that time), but it was an oversight and did not happen. The applicant is now requesting to add an 120s.f. lean to addition onto the existing garage on the south side. This will result in 1,418 cumulative accessory building square footage where 1,200s.f. is the maximum allowed. 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.

**Rick Zilch**, Owner, 110 N Wood Street, Fremont, Ohio was called upon and sworn in. Mr. Zilch 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. Mr. Zilch provided a photograph of the side of the garage with the proposed addition superimposed on the image. Ms. Dale stated this would be entered into the record as Applicant's Ex. #2. The Chair asked Mr. Zilch to proceed with his testimony.

Mr. Zilch said thank you and for your time this evening. The reason for this addition onto the garage is just to try to keep things undercover. I have grills that I put up on my patio on the weekends and when we are entertaining people. I try to keep them stored outside, but they are out in the sun, rain or weather, which if there was a place to store them inside would be helpful. Along with these I have yard items like a wheelbarrow, a cart to haul my banana trees in and out and we have a gold cart. My father-in-law lives next door, and he has 2 golf carts and I'm going to have to a place to hold that until we sell some things. We would just like to securely store some things that are currently being stored outside. We also don't think it looks good for the neighbors and neighborhood to have these things just sitting outside. The area we are in, many of the properties have been cleaned up a lot. We did buy probably one of the worst homes in the neighborhood and have done a lot over the years to make it looking good and nicer than it was.

Mr. Zilch said he is only asking for this shed addition to only be 5' wide so he can provide 3.75' from the property line and that is the minimum width needed to get the golf carts into the space. The siding and colors will match the existing garage. He also stated that there is also a privacy fence along this southern property line and that will remain with the exception of the portion that needs to be removed to accommodate the opening of the shed.

Mr. Switzer asked for clarification on the fencing location. Mr. Zilch said the fence is on the property line but then it urns up and ties into the side of the garage. The part that ties into the garage is roughly 8.75 from the property line and that will have a 5' section removed to accommodate the shed addition. Mr. Switzer said so 3.75' will remain and re-tie into the side of the shed. Mr. Zilch said yes and all the fencing that is on the property line will remain.

The Chair asked if there were any other questions from the Board. There were none.

Mr. Zilch volunteered that he is from Fremont, served on their BZA there and you are allowed to do whatever you want. He admitted that when he got caught with the lean to/porch addition on the rear of the garage, he immediately got it taken care of and had to pay double the permit fees for both the Township and County. He said he knows from that to always check in with the zoning office before doing anything. The Chair thanked him and commented it is easier if you follow the rules.

The Chair asked if there was anyone present withstanding who wanted to testify. There was none.

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



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

Ms. Roberts motioned to recess into the executive session to deliberate the merits of the case. Mr. Switzer seconded the motion, and the roll call vote was as follows: Mr. Switzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The motion carried and the Board recessed at 7:35 p.m.

Ms. Roberts moved, and Mr. Switzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Switzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. The Board reconvened at 7:48 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2025-022:

With regard to BZA-2025-022 being a request for Area Variances to Section 5.2.1.A.i.b. to allow more cumulative accessory building space than permitted (1,200s.f. allowed/ 1,418s.f. proposed) and to Section 5.2.1.D.iii. to allow for a lean to addition to encroach into the south, side-yard setback (5’ required/ 3.75’ proposed) for the property located at 7620 Downend Dr.

- 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 use the property for a home or have ancillary, on-site storage.
- 2. The request **is not** substantial because the property is under the lot coverage requirement and the encroachment is by 1’3”. Furthermore, the property owner is using this area for outdoor storage and just because it will be placed inside a structure, the structure is the reason for the variances.
- 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 where the addition is located is screened by arborvitae and fencing.
- 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 and garage.
- 5. The applicant states they were not aware of the zoning restrictions at the time they purchased the property in 2018 specific to accessory buildings but were aware that zoning existed in the Township.
- 6. The property owner’s predicament **can** feasibly be obviated through some method other than a variance because they could enclose part of their existing lean to/porch on the rear of the garage or provide a detached shed behind the garage or do nothing.
- 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. Switzer 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. Switzer – yes; Ms. Roberts – yes; Mr. Shetler – yes. Vote 3-0 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 April 16, 2025.



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held

March 19, 2025

The Chair introduced the fourth and last case of the evening.

Adjudication Hearing  
Case BZA #2025-025  
272 Lighthouse Oval  
Earl

**Request for Area Variances from Section 4.5.3 to allow for an addition to encroach into the required rear-yard setback (18' proposed/ 25' required) and to Section 4.5.6 to allow an addition and shed to exceed the maximum lot coverage (45.5% proposed/ 40% allowed).**

The Chair stated the record will show that Mr. Fetzer has returned for this hearing. 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. Fetzer moved, and Mr. Switzer seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale stated that the property is part of Lighthouse Bluffs III Cluster Housing Community that was platted in July 2023. In October 2023, the developer was issued permit #2023-273 to construct a new house on this lot. At the time the house was built, the home included a 6' x 22' recessed, covered porch at the back of the home and the builder maximized the lot coverage at 40%. The house was also placed right at the required 25' rear yard setback. The property was sold to the current owners & applicants in December 2024. The current owners are proposing to construct an additional 6' x 22' (132s.f.) enclosed sunroom onto the rear of the house and install a 12' x 16' (192s.f.) shed in the rear yard. This additional space results in the lot coverage being exceeded at 45.5% where 40% is the max allowed. The proposed sunroom addition will also encroach into the rear-yard setback and be 18' from the overhang of the structure to the rear property line, where 25' is required.

Ms. Dale concluded by reviewing the decision criteria the Board would be considering during their deliberations, including that this is a 2-year old development phase and this will be the 1<sup>st</sup> of this type of request for this phase. All of the lots on this east side of the road have similar characteristics in that they back up to common, open space for the entire subdivision development. Additionally, the developer has maximized the setbacks for each of these lots with the exception of one lot (112), which is more triangular in shape. Three of the lots were maximized as well on their lot coverage. While precedence does not exist in this Board's decisions, the fact that the circumstances surrounding this phase and phase IV that is yet to come, which includes 9 more lots that back up to the same common area, is not all that different. On the other hand, this specific lot and Lot 117, due in part to the curvature of the road, are two of the smallest lots in this phase. At the end of this report there is a breakdown of each of the lots on this east side of the road and their specs.

Part of the issue is that Lighthouse Bluffs was started under one developer, who ended up passing away and is now trying to be completed by a new developer. Staff does not think the new developer fully understood the intricacies of a Cluster Housing Community when he took it over. While it very much seems like your traditional subdivision, the lots and street in a Cluster Housing Community are permitted to be smaller than what you would see under the straight "R-3" zoning district requirements (7,000s.f. min). No two lots are exactly the same. The new developer had planned on utilizing the exact same house plans over and over again, but since the lots are all different sizes, he has literally had to change every house plan to fit on the lot. In addition, in order to get more living square footage, they modified all the roof plans so there are 6" or less, overhangs in order to meet the setback requirements.

The Chair asked if there were any questions for Ms. Dale. Ms. Roberts commented that we ran into a similar situation in a different neighborhood once before. Ms. Dale concurred. Ms. Dale said the difference in that other case was the property owner just built it without any permits. Ms. Roberts said correct, but just like the other case, there are other homes with similar circumstances to take into account. Ms. Dale said correct, however, the other case was a 50% or more encroachment, and this request is maybe a 1/3 of the setback.

Mr. Switzer said in regards to the common area, there's maybe only 8-9 properties that would be similar to this lot. I understand that the lots on the curve don't have any rear property to build too, so I guess I'm wondering if what you are saying is it is in our interest that we might be hearing from 8-9 properties someday? Ms. Dale said yes, there are 10 lots in this phase on this side of the street. Lots 111-113 have a little bit more space because they are deeper lots, so adding onto the back of their structures may be a non-issue for them. However, more than likely, Lot 114-121, they could be in similar situations as this lot, but this one is still unique on its own merits because it's the shortest lot. The others 116-121 are 6' deeper. We also still have a Phase IV coming as well. Mr. Switzer, referring to the plat for the subdivision confirmed where Phase IV would be. Ms. Dale said yes, and that is where another 9 lots or so will be platted that also abut this same common area.

Mr. Shetler asked if the shed was shown on the site plan for this lot. Ms. Dale said that it was, it is the rectangle stripped in blue and that is showing the largest shed they would be able to fit back



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

there to meet the setback requirements. Mr. Shetler said there is also a storm sewer easement at the rear of 116-121. Ms. Dale said yes, that is what the plat shows and that would not be allowed to be built on but is also part of the common area.

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

**Jonathan Earl**, Owner, 272 Lighthouse Oval, was called upon and sworn in. Mr. Earl 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. Earl stated as Ms. Dale shared, this is the smallest lot in this phase of the subdivision. Mr. Earl said a big difference is that they are one of the few full-time residents. We have our kids in the school and moved here in August 2024. A lot of the homes are seasonal and empty in the winter. I was offered a job to move here, I'm actually the Chief of Police for Monroeville. We moved from Columbus area and we had to find something pretty quickly and get our kids enrolled into school before school started. We must have misunderstood what we could do because when we purchased the house the concrete pad was already there. With our growing family, we thought we could add on there because something we are learning with having kids, you run out of space quickly. We wanted to find something in this school district which isn't easy. I grew up in the Bass Haven area with my parents since I was a kid, so we knew we wanted to be here. It's just hard to find property here, with bussing because the properties sell quickly to people with money, that pay cash, and many properties are sold shortly after they are listed. Mr. Earl said, as I said earlier, we misunderstood what we would be allowed to do with the existing concrete pad, which is why we are now here before you, to try to get a little bit more space out of our house. With the shed, if it's possible at all, since we are year-round, we would like to get some things out of our garage so we can actually park our vehicles in the garage.

Mr. Fetzer asked if there was already a covered patio. Mr. Earl said yes, there is already 6' that is currently under roof, but the sunroom will be a 6' addition off of that. Mr. Fetzer asked if the existing is going to be part of the sunroom. Mr. Earl said yes, so the concrete pad is 12'x 22', 6' is already covered and they would like to cover over the remaining 6' and make it all one enclosure. There was still some confusion and questions about the size and what was being requested. Ms. Dale said if they look at the site plan, there is a recessed, covered patio that was constructed when the house was built. But there was a concrete pad poured beyond the footprint of the house, they are just asking to cover over and enclose that concrete pad and the enclosure would include the part that is recessed. Mr. Switzer clarified there is a slab there, but not a foundation. Ms. Dale said that is correct. Mr. Fetzer said he get's it now, he can see it now and what's going on.

The Chair asked if there were any other questions from the Board. There were none.

The Chair asked if there was anyone present withstanding who wanted to testify. There was none.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Mr. Switzer. 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 8:08 p.m.

Mr. Switzer 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 8:22 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2025-026:

**With regard to BZA-2025-026 being a request for Area Variances from Section 4.5.3 to allow for an addition to encroach into the required rear-yard setback (18' proposed/ 25' required) and to Section 4.5.6 to allow an addition and shed to exceed the maximum lot coverage (45.5% proposed/ 40% allowed).**

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.
2. The request is **not** substantial due to this lot being smaller in comparison to a majority of the other lots in this phase.
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 lot backs up to a preserved common area, there would be no impact on a neighboring property, and it will be built to match the character of the existing home.



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held

March 19, 2025

- 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 2024.
- 6. The property owner’s predicament **cannot** feasibly be obviated through some method other than a variance because the property is currently maxed out under the basic requirements, so to ask for any additional square footage, either due to an addition or a shed, there is no option but to request a variance.
- 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. 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) 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 April 16, 2025.

Approval of Board of Zoning Appeals  
February 19, 2025 Regular Meeting Minutes

Ms. Roberts made a motion to approve the February 19, 2025 regular meeting minutes as presented. Mr. Fetzer seconded the motion. All were in favor, motion carried.

Signing of Decision Sheets

There was none.

Unfinished Business

There was none.

New Business

There was none.

Other Business

There was none.

Reports and Communications from Members and Staff

Ms. Dale said Ms. Roberts asked as they were coming out of executive session, so she provided an update regarding the Bilton case at 2991 Waterside Court and that the 6<sup>th</sup> District Court of Appeals had ruled in the Township’s favor. The lanai will have to be removed. Discussions have been had with the owners, their contractor and attorney.

Ms. Dale also shared with those present that there are some text amendments in the works regarding storage developments. Ms. Dale gave a very brief description of where they are in that process and where some of the recommendations seem to be headed with that language. Ms. Dale said she will review this in more detail once language has been initiated and the entire Board is present.



RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Board of Zoning Appeals

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

Held March 19, 2025

Adjournment

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

The meeting was adjourned at 8:35 p.m.

Kathryn A Dale  
RECORDING SECRETARY

Clyde Shetler

Sherry Roberts

Joseph Fetzer

Jim Switzer

BOARD OF ZONING APPEALS