

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 5, 20 2025

The Danbury Township Zoning Commission was called to order at 6:31 p.m. at the Danbury Township Meeting Room by Chair, Susan Dress. The pledge of allegiance was recited. The roll call showed the following present: Ms. Susan Dress, Ms. Jodi Kopanski, and Mr. William Tuttamore. Alternates, Doug Huber, and Cynthia Mahl. Mr. Vito Kaminskas was excused. Ms. Singer was absent. Ms. Kathryn Dale, Zoning and Planning Administrator, and Dawn Connor, Zoning Assistant, were also present. Visitor present was Keith Brown.

Approval of the February 5, 2025, Minutes

The Chair asked if all the Commission Members had had an opportunity to review the minutes from the last meeting. All indicated they had. Ms. Dress asked if there were any corrections or modifications. Ms. Kopanski made a motion to approve the minutes of the February 5, 2025, meeting. Mr. Huber seconded the motion. All Ayes. The motion carried.

Public Hearing

There was none.

Unfinished Business

There was none.

New Business

There was none.

Other Business

Work session on Storage Regulations:

Ms. Dale began by reviewing her meeting with the Trustees regarding the direction they wanted the Zoning Commission to go in placing setbacks and lot coverage restrictions for storage facilities. She also reviewed the previous meeting’s discussions and gave a general overview of what the Zoning Commission had been considering when working towards new regulations up to this point.

Ms. Dale stated that the Trustees were vehemently opposed to treating Marina type storage any differently than general storage properties. She advised that the Township attorney is opposed to that, as well. Storage is storage and the Township does not regulate what can be stored or how the storage businesses operate. All storage properties would need to be treated the same.

Ms. Dale continued that one of the questions that came back from the Trustees would be the option to prohibit any further storage developments. The Township attorney advised against it because it would cause too many problems. Some developments have been in place for 50 years or longer and the Township cannot just say no more storage, we must allow it. Ms. Dale said that this is steering towards storage being Conditional Use. It would require a hearing and acreage minimum which would aid the Township in their ability to limit and have some control over where the storage goes. They would still have to be zoned “R-C” or “C-2”.

Ms. Dale continued that the Trustees are very adamant that the setbacks need to be a minimum of 200 feet, either with a static setback, a percentage or a mixture of both. They feel this would allow ample space in front of a storage building for different commercial use, their parking, any signage, and any landscaping. It also provides a little bit of a buffer from the back of that commercial frontage to the actual storage buildings.

Mr. Tuttamore asked if the setback would include their parking lots and any outside storage. Ms. Dale stated that was something the Zoning Commission would need to determine and would need to be clarified in the new language. Ms. Dale also stated she would prefer to see the Zoning Commission include a percentage of the depth of the lot at 25%, so the front 25% of the property could not be used for storage, to account for parcels that are long and deep. On those types of parcels, the percentage would get storage built back from the roadway, which is the goal of the Township. The setback would be 200 feet, as recommended by the Trustees or 25% of the lot depth, whichever is greater. She read over possible language which outlined that all structures, fencing and outdoor parking areas would be included in that setback requirement.

Mr. Huber asked about setbacks if it is a corner lot. Ms. Dale stated that corner parcels are considered to have two front yards. The way Article 5 is currently, they would have two front yard setbacks. The Commission could make an exception in this, to have the front yard setback be from a major thoroughfare and the other “front yard” just meet the underlying zoning requirement from a secondary or private street. This would make it fairer and would help them to use more of the width of their lot.

Ms. Dale pointed out that every situation is going to be different and if for some reason a property owner could not meet these new requirements or chooses not to meet the requirements, they still have to go through the Conditional Use process and that is the same board that the owner could request a variance from. There is still an avenue for owners to ask for an exception to the rules.



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Ms. Dale explained that the Trustees did not feel comfortable foregoing specific setback language and leaving it in the hands of the Board of Zoning Appeals. There were concerns about consistency and trust that present, and future, board members would keep to the intent that these new restrictions were trying to accomplish. They like specific requirements placed in the Zoning Code. If they were to be unreasonable for a special circumstance, they still have an avenue to pursue a variance.

Mr. Tuttamore inquired if the Trustees addressed any issues about landscaping. Ms. Dale stated they mentioned it. They want that language beefed up but want the Zoning Commission to ratify the setback language first, before addressing that. This would allow the Commission to evaluate landscaping needs based on how the new setback requirements would look on future properties. Mr. Tuttamore stated his concerns about existing storage properties and how some of them appeared appalling when driving by them. Ms. Dale advised that even if new regulations regarding landscaping were to be implemented, it would have no effect on existing properties. The regulations could not be enforced retroactively. Mr. Tuttamore expressed concern that he was not talking about their landscaping per se, but the fact that he believes many of the existing storage facilities are not adhering to the regulations that they are currently under. He cited properties that are storing boats and other items outside of the footprint of what they should be. Ms. Dale explained that the regulations, as they are currently set, only apply to the building structures. She said regulations were changed about five to six years ago stating that all parking lots had to be five feet off the property line, but driveways, sidewalks and patios are allowed to go up to the property line. This applies in residential and commercial properties. The regulation regarding parking lots was added to accommodate new landscaping and signage setback requirements that were implemented at that time. Storage and residential properties are also allowed to have a fence on their property with parking right up to that property line. Ms. Dale continued that this new more specific language would address some of these issues because it would require that all structures, fencing and outdoor storage areas, specific to storage, will have to meet a larger front setback requirement. She addressed Mr. Tuttamore's complaint that the existing storage facilities have boats and vehicles parked all over outside of their buildings and stated those properties are allowed to operate that way and they are protected from any new regulations being put in place. She did state that if an existing property made improvements beyond 50%, then they would have to comply with any new restrictions. Also, if one of these grandfathered properties were not to be used in the manner in which it had been functioning for a period of two years, according to state statute, that property would then have to follow any current restrictions.

Ms. Kopanski asked if a property had storage buildings, but they were functioning as a sales yard, if it changed their need to adhere to new restrictions. Ms. Dale confirmed that it would. They are allowed to have their brokerage or sales in the front part of the property.

Ms. Mahl asked about fencing around storage areas and if a property owner would be able to fence off the perimeter of their parcel, which would include the 200-foot setback area. Ms. Dale explained that with the new language, if their property were going to be used strictly for storage, their fencing would have to be placed behind the new setback regulation. If the property has some other non-storage use that is going in the front, they could put a fence related to the non-storage use.

**Keith Brown**, Owner, 5964 E. Bayshore and 5990 E. Bayshore, Marblehead, Ohio, inquired about restricting the type of fencing that a property would be able to put around their sales or non-storage use area. Ms. Dale advised that the Township could not regulate materials or type of fencing, they could only regulate the height of the fencing. Ms. Kopanski stated that because this a Township, it gets more complicated when trying to regulate the aesthetics of the area. Ms. Dale said the Trustees had inquired about this as well but were advised that Zoning alone could not regulate materials. Ms. Dale pointed out that some properties use mounding around their properties as opposed to having fencing and that is an option for an owner. Mounding itself is not regulated but any fences put on top of those mounds must follow the height restrictions, with the actual mound height being subtracted from the fencing and the fence being only as high as the remaining footage allowed. Ms. Dale stated that mounding and landscaping is preferred along major street frontage as opposed to a fence.

Mr. Brown asked for clarification regarding the permitting of a new property and the time limits in which they would have to be completed, or new permits pulled. He put forth the scenario of economic conditions changing after a few storage buildings being completed and an owner wants to pause any new construction for an unknown period. Ms. Dale stated that if a storage property owner has a pre-approved plan and they do not pull a permit, for whatever reason, they are going to face an expiration date. This is what existing businesses must follow and there is an expiration to a conditional use as well. If an owner does not follow the regulations regarding pulling the permits and constructing the buildings, they are going to expire. Unfortunately, if that happens, they are going to have to go through the Conditional Use process again, along with abiding by any new regulations or asking for a variance. This will apply to existing and future businesses. They will have to go through the Board of Zoning Appeals process and each circumstance would be reviewed more closely and based on its own merits.

Mr. Brown inquired if the Zoning Commission had looked at typical commercial buildings that could fit in the proposed setbacks to include their building envelope, along with double rows of parking



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areas towards the front of the property. Ms. Dale answered that any retail structure in the front setback area would still have to abide by the current setback regulation of 40-50 feet. This would probably result in that retail building being pushed back even more to accommodate two rows of parking with a drive lane and sidewalks for the building. Even with those factors, you will still be able to have an approximately 75-foot-long building for commercial use. Mr. Tuttamore stated that a storage property that is deeper, with a setback of 25%, will have even more area for commercial development in the front. Ms. Dale stated that the 25% setback is based on the lot depth or a minimum of 200 feet, whichever is greater.

Ms. Mahl asked if the 25% was subject to going to the Board of Zoning Appeals (BZA) to ask for a variance or if it was written in stone. Ms. Dale answered that if the Zoning Commission initiates this language, or some variation of it, and it is adopted by the Trustees, it will become the minimum requirement. It does not preclude a property owner from asking for a variance from the BZA. Ms. Mahl expressed concern that a storage property owner may not be interested in owning a retail building in their setback area and might feel like the restrictions would be an impediment to the business they want to be in. Ms. Dress stated that anything in Zoning is going to be an impediment to someone, but there is a need to strike a balance between accommodating the wishes of the Township residents and the wishes of the people that want to come and build something. Ms. Dress pointed out that anyone wishing to build storage is going to have to go to the BZA anyway, if it becomes a Conditional Use.

Ms. Dale went over the factors that still need to be agreed upon by the Zoning Commission which includes deciding on the actual setback numbers in footage and percentage, clarifying properties that are along major thoroughfares, corner lots or have multi-street frontage, and fencing related to the storage areas.

Ms. Dale stated the Zoning Commission had not really talked about the rear and side yard setbacks. She said that in the proposed language, she had kept them the same as the underlying zoning district. Ms. Dale read over the specific side and rear yard setbacks for the "R-C" and "C-2" zoning districts. Mr. Huber said he would like to see it bumped up for storage next to residential areas to include agricultural properties with a residence on them. There was discussion amongst the Zoning Commission members regarding the use of mounding or more natural barriers of trees or green space to function as a natural buffer. There was agreement about making it more visually appealing to residents living next to a storage facility. Ms. Dale made notes regarding having the specific setback language for storage next to properties that are R-1, R-2, R-3, or any other zoning district with a residential structure on them to be raised. She also advised that if the Commission didn't want a storage facility to be able to do outside storage in the side and rear setback areas, that would need to have specific language that includes all structures, fencing, outdoor parking and outdoor storage areas be no closer to the side/rear property line than whatever the setback becomes. There was additional discussion of ways to minimize the view from a resident who looks out onto a commercial storage building and what setback distances would facilitate that. Ms. Dale also said she was going to check the current zoning restrictions regarding fencing in the buffer language to make sure there aren't any conflicts with new language and current language.

The Commission agreed that the setbacks for commercial setbacks for the rear and side yards should be kept the same when adjoining another commercial property but be raised to 25 feet when adjoining R-1, R-2, R-3, or any residential structure in any other zoning district.

The discussion turned to lot coverage for commercial property. The current language does not include driveways, sidewalks, or patios; it is calculated by tallying up the footprint of all structures that are under roof. Ms. Dale asked the Commission members if they wanted to leave that as it is, or did they want to include all the driveways, parking areas and impervious surfaces as well. Ms. Dress stated that the regulations were limiting storage owners to larger setbacks already and they do not limit other commercial properties to include anything other than their buildings, so she did not feel it would be appropriate to do that. Mr. Huber felt that it should include any area, paved or graveled, that the facility would be using for outside storage. Ms. Kopanski pointed out that the driveway areas would need to be bigger for certain types of storage to be able to maneuver around the garages. Ms. Dress said that increasing the lot coverage percentage, to include the driveways and impervious surfaces, was too restrictive to how much of their property they can use for their commercial business.

Ms. Dale then read over the general standards that are currently in place for storage area development. These standards generally do not need to be changed, as they have no effect on the overall building area of storage facilities, however the standards for buffering will need to be looked at if the Commission wants to beef up the landscaping requirements.

The Commission members continued to discuss how the lot coverage restrictions would affect smaller acreage parcels and larger acreage parcels. Ms. Dress stated that it would be discriminatory to change the lot coverage percentage based on the type of commerce the owner was going to engage in. The Commission members agreed that the lot coverage of 60% should remain in place.

Ms. Dale brought up the landscaping requirements. She advised the Zoning Commission members to read over this section and evaluate areas on what they want to have increased or changed.

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Ms. Dale gave several suggestions for parking lot beautification and landscaping sources that could be enforced by the Zoning Commission. She suggested comparing what other townships have in their regulations for landscaping. Ms. Dale asked them to research that a little on their own time and bring any information they may find interesting to the next meeting.

Ms. Dale discussed with the Commission potential timeframe these new regulations could be implemented, based on Trustee approval.

Reports and Communications from Members and Staff

There was none.

Public Comments Regarding Zoning Items Not on the Agenda.


There was none.


Adjournment

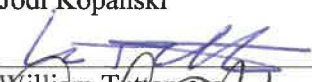
The Chair asked for a motion to adjourn. Ms. Kopanski moved to adjourn the meeting and Mr. Huber seconded the motion. All Ayes. The motion carried.

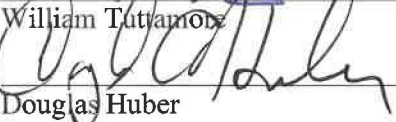
The meeting was adjourned at 8:35 p.m.


  
RECORDING SECRETARY

  
Susan Dress

  
Jodi Kopanski

  
William Tutnam

  
Douglas Huber

  
Cynthia Mahl  
ZONING COMMISSION