

#### STAFF REPORT

Board of Zoning Appeals

Meeting Date: May 21, 2025

**Case #:** BZA-2025-077 **Address:** 453 Walnut

**Appellant:** Randy & Karen Huffman, Owners **Zoning**: "L" Lakeside

**Request:** Request for an Area Variance to Section 3.5 to allow for an addition onto the existing

home that will result in the maximum lot coverage to be exceeded [45% (1,730s.f.)

allowed/ 46.3% (1,780s.f.) proposed].

#### **SUMMARY:**

The existing home and miscellaneous additions on the property currently covers 41.1%. 834 s.f. of the existing structure on the property is to be razed. The applicant is proposing to construct a 21.3' x 41.3'(880s.f.) 2½-story addition at the back of the house which will include a 72s.f. covered rear porch, 56s.f. pergola over the garage doors and a 25s.f. covered front stoop. The total lot coverage with the new addition will result in 46.3% (1,780s.f.) where 45% (1,730s.f.) is the maximum allowed. The lot coverage will be exceeded by 50s.f. The addition meets the setback and height requirements.

#### **ANALYSIS:**

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff's review:

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 a single-family residence and since the property is conforming, is able to make substantial improvements.

Whether the variance is substantial or not can be debated. On one hand this is new construction that could be reduced by 50s.f. and conform to the lot coverage requirements. On the other hand, to be over on the lot coverage by 50s.f. is not significant and could be viewed as being over the allowed amount due to the pergola over the garage doors, which is an architectural enhancement and not really due the livable structure.

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 all other requirements in regards to setbacks and building height are satisfied.

There is no indication that there would be a detrimental effect on the delivery of government services because all utilities are existing. Any upgrades will have to be done in accordance with the appropriate County agencies.

The applicant states in their narrative statement that they were not aware of the zoning restrictions at the time they purchased the property.

Arguably, the owner's predicament can feasibly be obviated through some method other than a variance by removing the pergola or reducing the new addition by 50s.f. since this is new construction.

The spirit and intent of zoning would be met should the variance be granted because there are no known negative impacts to surrounding property.

#### **STAFF RECOMMENDATION:**

None.

SUBMITTED BY:

Kathryn A. Dale, AICP

Danbury Township Zoning Inspector

Date Prepared: April 29, 2025

**List of Exhibits Enclosed:** 

Exhibit 1: BZA Application

Appellants Response to Decision Standards Adjacent property owners' notification list

Property Deed

Exhibit 2: Refused Permit Application

Site plan & drawings

### **EXHIBIT** Danbury Township, Ohio

**BOARD OF ZONING APPEALS** APPLICATION Date Filed: 4/25/25 Application #: 2025-077 5972 E. Port Clinton Rd. Action: Marblehead, Ohio 43440 🕾: (419) 734-6120 F: (419) 734-3137 Rejected Permit: 25-000 Approved Permit: t: www.danburytownship.com 453 Walnut 0140415205368000 1. Property Location: Parcel ID# Subdivision Lakeside, Blk 13 Lot # 8 & 9 Zoning District: Attach Deed For Complete Property Legal Description Partial Demo & 21.3' x 41.3' 2.5-story Add. SF Home Existing Use Proposed Use Address City State Zip Phone Email: 3. Appellant/ Owner Randy & Karen Huffman Address 1214 Trogdon Street Zip 28659 North Wilkesboro NC (336) 262-0480 City Phone State Email: randyclydehuffman@gmail.com Use an additional application if there is more than one owner making the request. 4. Specific Request: Use Variance Area Variance Conditional Use **Special Exception** Chapter / Section Request for an Area Variance to Section 3.5 to allow for an addition onto the existing home that will result in the maximum lot coverage to be exceeded [45%(1,730s.f.) allowed/46.3% (1,780s.f.) proposed]. **Practical Difficulty** Attach Separate Narrative Statement Describing The Request If Additional Space Is Needed.

5. Attach a Narrative Statement with a response to each Decision Standard listed in Attachment "A" hereto, as is relates to the specific request.

Next Page →

- 6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.
- 7. A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved.
- 8. Photographs or any other information and documentation as it relates to the request being made.

(Agent's Signature)

Cash/ Check #

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

(Date)

(Appellant's Signature)	4 22 25 (Date)
PLEASE REFER TO THE BZA DOCKET C INCOMPLETE OR LATE APPLICATION	ALENDAR FOR SUBMISSION DATES. ONS WILL NOT BE ACCEPTED.
Do not write bek	ow this line
ZONING SU	
BZA Hearing Date: 5/21/25	BZA Application #: 2025-07
Notice Published to Website: 5/5/25 Notice Sent t	to Neighboring Property Owners: 5/5/25

Filing Fee = \$200.00 Postage Fee \$\_\_\_\_\_ Total Fees Paid \$\_\_\_\_ Amount Invoiced \$\_\_\_

List of neighboring property owners provided? (S) No

#### Applicant's Narrative Statement & Response to Decision Standard's

#### 453 Walnut Huffman

Scope of Work: Add new addition after demolishing old additions New addition will include a rear covered patro (porch) and a pergola along the front of the garage, which causes a 50 sq ft overage on lot coverage.					
Decisio	n Standards:				
	The property in question (will/will not) yield a reasonable return or (ean/cannot) be used beneficially without the variance because homes in lakeside need outdoor gathering space in order to interact with neighbors.				
В.	The variance (is not) substantial because it is only a 50 S& A variance request. most of which is a narrow pergola along that fromt of the garage				
	The essential character of the neighborhood (would /would not) be substantially altered by the variance and adjoining properties (would would not) suffer a substantial detriment as a result of the variance because the requested variance, includes a back forch on which we will be able to interact outdoors with neighbors, keeping with the spirit of lakiside.				
	The variance (would would not) adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because the are asking to be able to have porch space in the rear of the house because having a parch in front would interfere with the street.				
E.	The property owner (did / did not) purchase the property with knowledge of the zoning restriction because				
F. (	The property owner's predicament (can / cannot) feasibly be obviated through some method other than a variance because reducing the footprint of the main addition will cause Substantial expense in howing wans re-drawn.				
	The spirit and intent behind the zoning requirement (would / would not) be observed and substantial justice done by granting the variance because it is only a request for 50 sq ft (1.3 % overage) and will add to the beauty, is fulness and with each interest of the borne				
Н.	Other relevant factors, if any, considered include Lake Siders need porches				

After our house design was complete, we realized we needed some porch space in which to interact with neighbors. Since our house sits too close to the street for any porch space in the front, we added a covered porch in the rear of the house. It is barely visible from any other property so it should not really interfere with anyone else's ability to enjoy their property; it will, however, allow us to capture the spirit of Lakeside by having an outdoor place to greet others.

Also, in conjunction with adding on a garage, we have a two-step-up entry to the house. It seemed reasonable to add a narrow pergola in front of the garage, which will give us protection from the weather in going from the house to the garage. Again, it adds beauty and architectural interest to the house and does not interfere with anyone else's ability to enjoy their property.

The current structure encroaches on the neighbor to the North, but the new footprint will not encroach on anyone. The miniscule (1.3%) percentage of overage, a total of 50 square feet, we are asking for should not cause any harm to any neighbors or other Lakeside residents, but instead will enhance the entire neighborhood with architectural interest and outdoor gathering space.

#### Neighbors of 453 Walnut Avenue, Lakeside, Ohio

443 Walnut Avenue: Eugene and Nancy Jacob 3876 Deerpath Lane Cincinnati OH 45248

448 Walnut: Mark and Susan Phaneuf 309 Ashby Court Berryville VA 22611

461 Walnut: John and Judy Gorsek 720 Lindenwood Lane Medina OH 44256

Lakeside United Methodist Church 450 Central Avenue Lakeside Marblehead OH 43440



This conveyence has been examined and the grantor complied with section 319 202 of the revised code

FEES F. SBO.OO.

EXEMPT

Jennifer J. Widmer, County Auditor

TRANS. 11-15-2004

Haaray.

QUIT CLAIM DEED

JEANNINE TAKACS, married to Andre Takacs, for valuable consideration paid, grants to RANDY CLYDE HUFFMAN and KAREN HUFFMAN, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 1214 Trogdon Street, N. Wilkesboro, NC 28659, the following described real property:

#### AS TO LEASHOLD INTEREST:

Situated in the Township of Danbury, County of Ottawa and State of Ohio:

Being Lot Number Eight (8), less the East twenty (20) feet and the North nine (9) feet thereof, and Lot Number Nine (9), less the East twenty (20) feet and the South six and one half (6 ½) feet of West sixty (60) feet thereof, all being in Block thirteen (13) as shown on the recorded plat of Lakeside.

Prior instrument reference: Volume 1515, Page 330

Ottawa County Official Records.

Permanent Parcel No: 014-04152-05368-000

Parcel Address: 453 Walnut Avenue, Lakeside, Ohio 43440

Such property is further subject to the provisions of The Lakeside Association ninety-nine (99) year lease and The Lakeside Association Regulations and Ground Rules, including Transfer Fees and Association Assessments, referenced by affidavit recorded at Volume 1231, Page 228, Ottawa County Official Records.

Andre Takacs, husband of Jeannine Takacs, hereby releases his dower interest in the property described above.

EXECUTED this
Jeannine Takacs  Andre Takacs
STATE OF OHIO, COUNTY OF UVUIN, SS:
This is an acknowledgment. No oath or affirmation was given.
Before me, a Notary Public in and for said County, personally appeared the above- named Jeannine Takacs and Andres Takacs, wife and husband, who acknowledged that they did sign the foregoing instrument, and that the same is their free act and deed.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at
NOTARY PUBLIC

This instrument prepared by: sg James C. Barney, Attorney at Law Port Clinton, Ohio 43452

HARTUNG TITLE

Inst #20240007166

#### Kathryn A. Dale, AICP Zoning & Planning Administrator

#### NOTICE OF REFUSAL

April 16, 2025

To Applicant/:
Owner

Randy & Karen Huffman

1214 Trogdon Street

N. Wilkesboro, NC 28659

Application No.:

25-066

453 Walnut

BZA Case No.:

Your application dated APRIL 16, 2025, for a zoning certificate for a 21.3' x 41.3' 2 ½-STORY ADDITION W/ 4' PERGOLA & COVERED FRONT & REAR PROCH located at 453 WALNUT, MARBLEHEAD, OHIO 43440 is hereby refused on this 16<sup>th</sup> DAY OF APRIL, 2025 under Article 3, Article 5 and Article 7 of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "L" Lakeside.

#### Article 5, Section 5.1.3

#### **General Regulations Applicable to All Districts**

3. No building or structure shall be erected, converted, enlarged, or reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.

#### Article 3, Section 3.5

#### "L" Lakeside Development Standards

The requirements in the "L" Lakeside zoning district are as follows:

Minimum Front-yard Setback

Minimum Rear-yard Setback 0'

Minimum Side-yard Setback 0'

Maximum Lot Coverage

45% over 3,320s.f. Lot

- The existing home and attachments on the property covers 41.1%. 834 s.f. of the existing structure on the property is to
- The applicant is proposing to construct a 21.3' x 41.3'(880s.f.) 2½-story addition at the back of the house which will include a 72s.f. covered rear porch, 56s.f. pergola over the garage doors and a 25s.f. covered front stoop. The total lot coverage will be 46.3% (1,780s.f.) where 45% (1,730s.f.) is the maximum allowed. The lot coverage will be exceeded by 50s.f.
- The addition meets the setback and height requirements.

Article 7, Section 7.5.1.A states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided the Zoning Inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Variance #1

**Article 7:** An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an **Area Variance** is necessary prior to proceeding with the proposed construction.

Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.

Kathryn A. Dale, AICP

Danbury Township Zoning & Planning Administrator

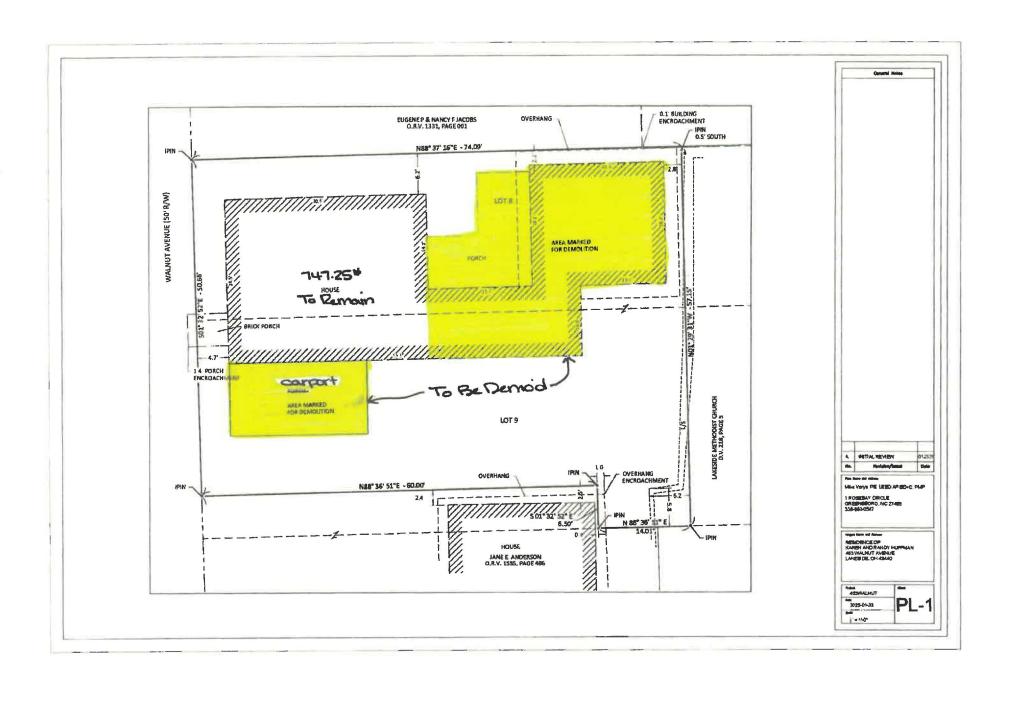
Note: The applicant has <u>20 days</u> (per Section 7.8.2.A.i.) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. The Ottawa County building departments may also have comments that will need to be addressed before releasing permits.

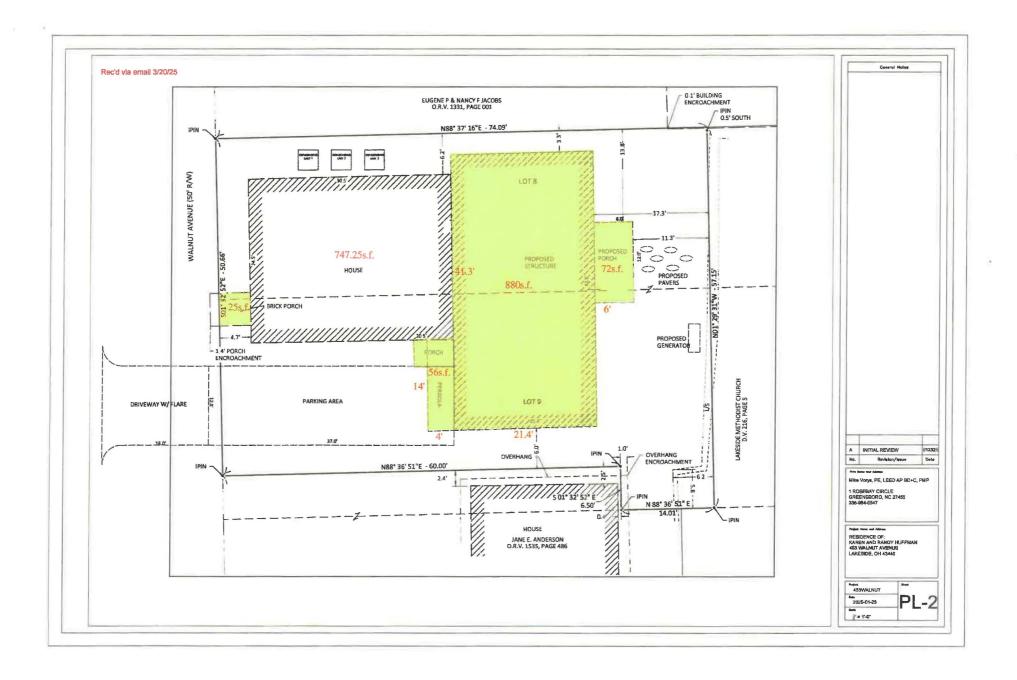
# Danbury Township, Ohio

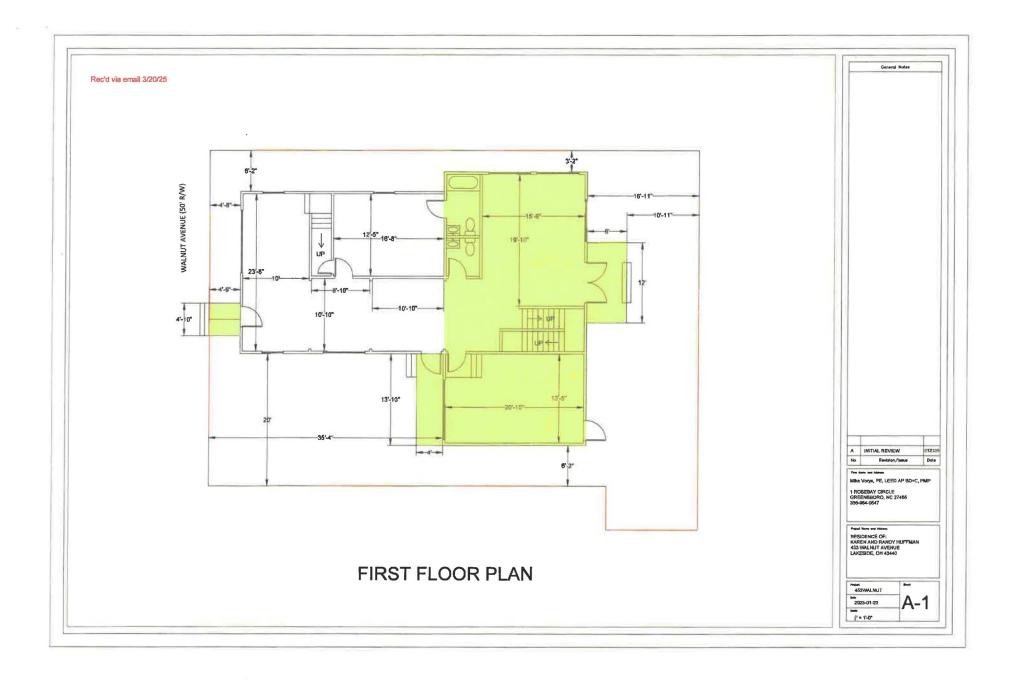
#### **ZONING PERMIT APPLICATION**

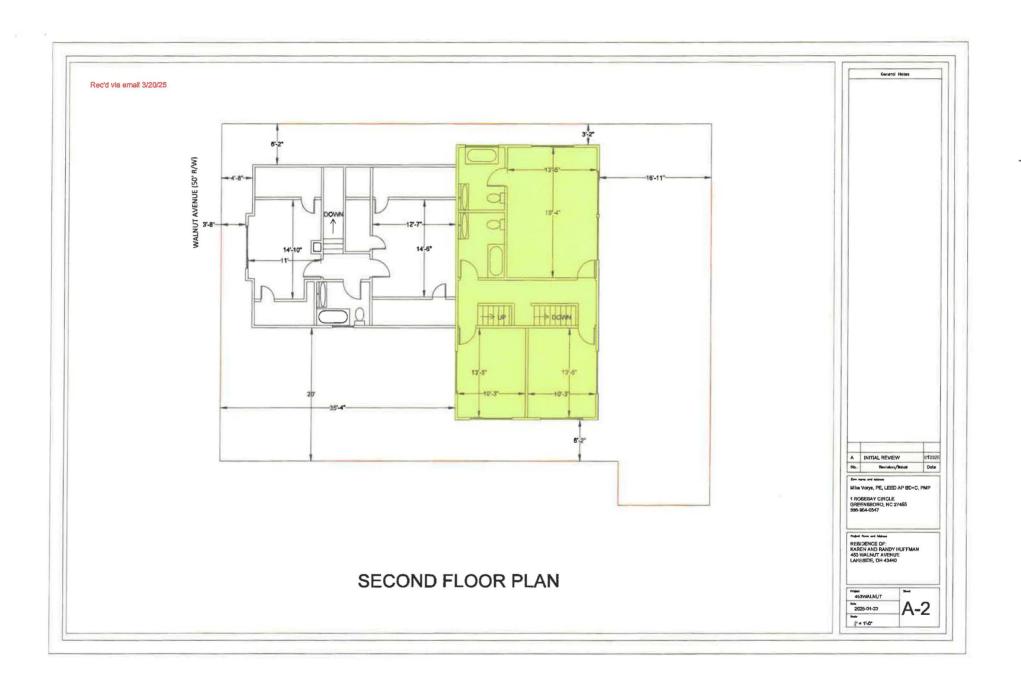
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1.	Property Location: 453 Wa				ID#	1	415205368	3000	
	Subdivision Lakeside, Blk 13	Lot #	8 & 9	Zoning	District	"L" Lakes	ide		
	Existing Use SF Home	Propo	osed Use	Partial	Demo &	& 21.3' x 4	1.3' 2-Stor	y Additi	on
2.	Applicant Randy & Karen Huffman		Addres	s 1214	Trogdo	n Street			
	City North Wilkesboro	State	NC	_Zip_	28659	Phone	(336) 26	2-0480	
	Email: randyclydehuffman@gmail.co	om							
3.	Owner Same as Above		Addres	s					
	City	_ State		Zip		Phone			
	Email:								
4.	Contractor/ Architect Self		Addres	s					
	City	_ State		_Zip_		Phone			<del></del>
	Email:						******		
5.	Site Plan: Attach site plan for subjection	ct property	. See Ins	tructio	ns & Sa	mple.			
6.	Residential Use New Single Family (w/Deck)		Non-Re	w Build	ing(s)				
	New Two-Family New Multi-Family, No. of Units		Dimensions of each Bldg. 32' x 42' Addition						
	✓ Addition	•	Addition						
	Accessory Structure		Accessory Structure						
	Decks or Patios Swimming Pools (above or inground)		Temporary Uses - Dates From: To: Signs - Permanent Temporary						
	Walls or Fences		Walls or Fences						
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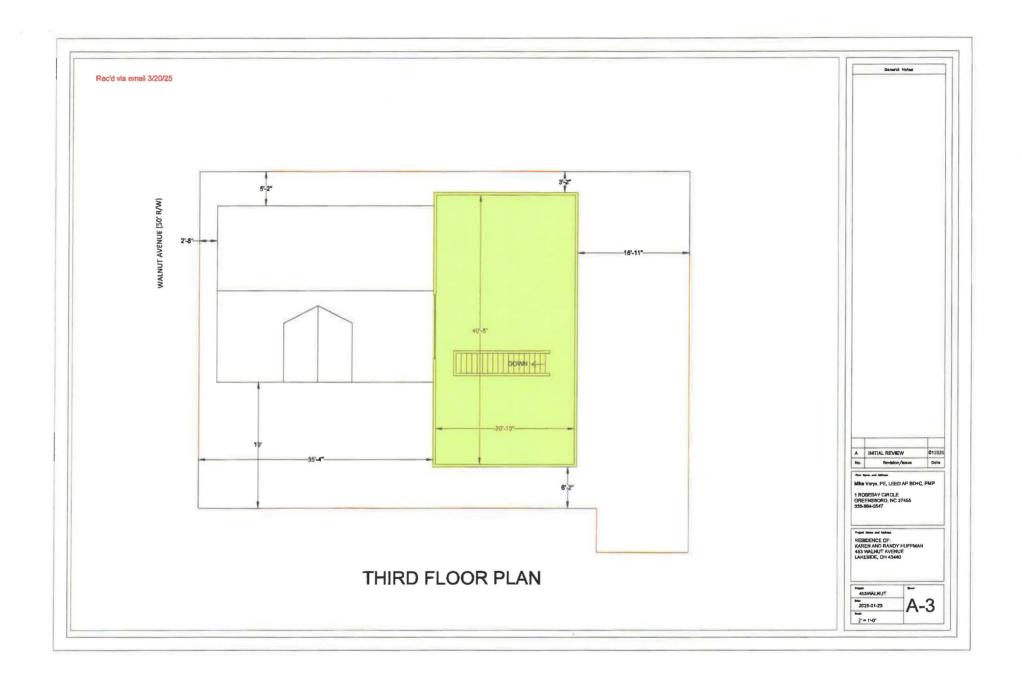
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						puvement or fo			Marie :
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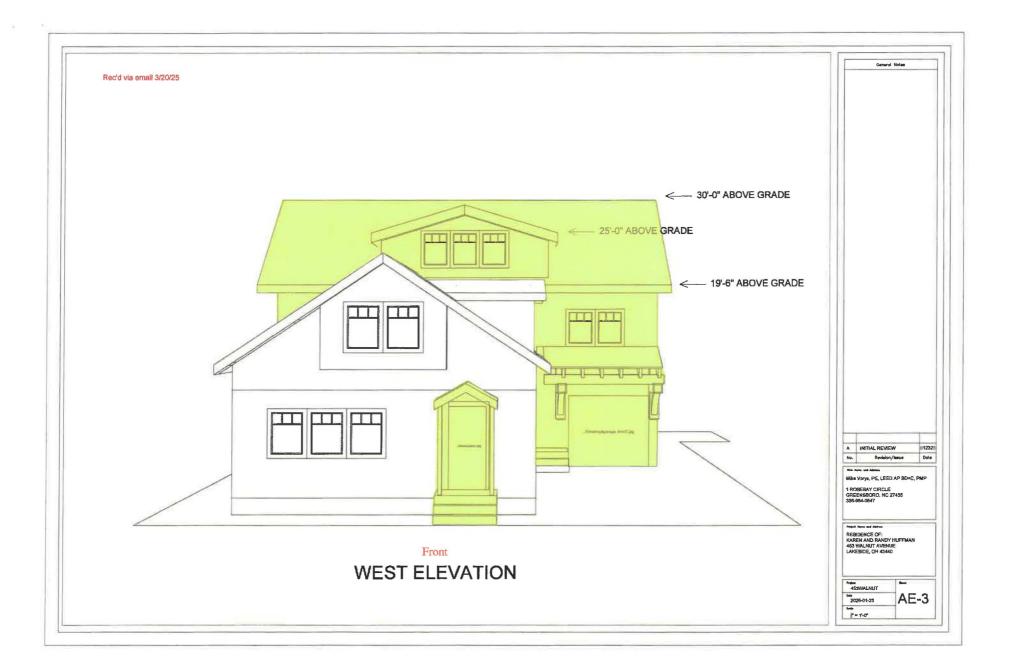






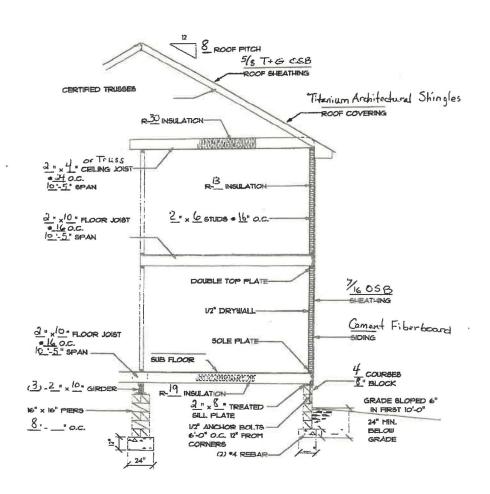








#### **453 Walnut Avenue Cross Section**



# LAKESIDE ASSOCIATION HISTORIC PRESERVATION & DESIGN REVIEW BOARD

## Certificate of Appropriateness

**Awarded to:** Randy and Karen Huffman

For work at: 453 Walnut Avenue

### Description of Work to be performed:

<u>Phase 2</u>: Remove two rear additions, replace with addition and rear porch, remove carport and shed, add garage, add Turfstone pavers, 6" curb along pavers (not in ROW), heat pumps and generator. Approved by HP-DRB 04/05/2025 as submitted on 01/30/2025 with updated drawings received 03/20/2025.

**Date of Issue:** 04/05/2025

COA expires 24 months from issue date.

### Request for Variance for Lakeside setback variances or support for Danbury Township zoning variances

Construction in Lakeside Chautauqua that deviates from existing setback requirements requires approval by the Municipal Services Committee (MSC) of the Lakeside Association Board of Directors, see

Title §2.2.2.4 To notify the Association of any request for a property variance, split, or subdivision

reviewed by MSC prior to then need to appeal to t setbacks). Approval by M	build be submitted with the HP-DRB Application for COA attn: Lisa Hogue and will be the HP-DRB meeting when possible. After this process is complete, the leaseholder will the Danbury Township Board of Zoning Appeals (BZA) for final approval (other than for SC and Danbury Township must be "in-hand" prior to the start of construction.  Indeed and Karen Huffman
Phone/email:336	-262-0480, randyclydehuffman@gmail.com, karenahuffman@aol.com
Lakeside Address: 453	Walnut Avenue
	clude a survey showing the existing lot lines with the proposed change (required), r photos which might enlighten the committee):
In Winter 2024, the cottag	ge had significant water damage from burst pipes so the cottage sold. Interior has been
gutted to the studs. New hor	meowners want to remove rear addition, garage, carport and shed and replace with new addition.
Existing garage is in the set	back. New addition will meet setback. Since it is over on lot coverage they need a variance to
exceed 45% lot coverage (requi	esting 46.5%).
	w/Recommendation:
Appeal variance to exc	ceed the 45% limitation.
	On:
Lakeside approval does no of your request, if desired	ot ensure that Danbury BZA will approve, but Lakeside's approval may be used in support  Date: March 27, 2025

Chair, Municipal Services Committee, Lakeside Board of Directors