

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 7, 2025

Held _____ 20 _____

The Danbury Township Zoning Commission was called to order at 6:30 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, Mr. Vito Kaminskas, Ms. Barbara Singer, and Mr. William Tuttamore. Alternates, Mr. Doug Huber, and Ms. Cynthia Mahl. Ms. Jodi Kopanski was excused. Ms. Kathryn Dale, Zoning and Planning Administrator, and Dawn Connor, Zoning Assistant, were also present.

Approval of the April 2, 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. Mr. Kaminskas made a motion to approve the minutes of the April 2, 2025, meeting. Ms. Singer seconded the motion. All Ayes. The motion carried.

Public Hearing

There was none.

Unfinished Business

There was none.

New Business

Initiate Text Amendments to amend Section 7.7.3.C and Section 7.10.2 of the Danbury Zoning Resolution in accordance with ORC Section 519.12 and ORC Section 519.15 regarding public hearing notification requirements.

Ms. Dale explained that House Bill 315 passed in Ohio at the beginning of the year, which went into effect on April 3, 2025. This bill expands the options for legal notifications. Prior to this house bill, it was required to post legal notifications in a newspaper of general circulation. The State has now expanded it to include publishment in the newspaper, on a special statewide website, the website of our Township, which we have done for the last fourteen years, and on various social media sites. After speaking to the Trustees, we established an official Danbury Township Zoning Facebook page. This will allow us to use the option of publishing notices to our website and on Facebook, instead of just in the newspaper. Facebook seemed like the best option based on the population in the Township. We have not expanded onto any other social media site because if you have multiple social media accounts, you must publish the legal notifications onto each of them. Ms. Dale stated that on some sites you are restricted to a certain number of characters that can be added, or the sites are more photography driven, not information driven. She said we also do not want to have to monitor comments and posts across multiple platforms. Ms. Dale continued that legal notices would continue to be published in the newspaper until this Text Amendment is adopted and effective, along with the Township website and the new Facebook page. Ms. Dale then invited the Zoning Commission Members to follow the new Facebook page and gave the full name of the Facebook page which is Danbury Township Ohio Zoning. Several Members of the Commission said they had already accessed the page and followed it. Ms. Dale further stated that comments will not be allowed on any of the posts. As administrators, we have the option to turn off comments and allow the notices to just be of an advisory nature to anyone accessing the page. The posts can be shared by the public to their own friends, groups, and others. Ms. Singer suggested that LinkedIn may be a future option for publishing to the commercial sector and there are apps that assist with blasting posts out over multiple sites. Ms. Dale stated that baby steps would be taken right now while using this new form of publishing legal notifications.

The Chair made a motion to initiate an amendment Section 7.7.3.C and Section 7.10.2 of the Danbury Zoning Resolution in accordance with ORC Section 519.12 and ORC Section 519.15. Mr. Kaminskas seconded the motion. All Ayes. The motion carried.

Other Business

Work Session on Storage Regulations:

Ms. Dale began by reviewing the landscape and buffering language that had been discussed at the last meeting. Ms. Dale had a visual presentation showing the potential new language that would be updated in the zoning resolution. Ms. Dale presented one added item for the Commission Members to consider, which is language that limits access drives for storage developments to be from major thoroughfares and not from a minor thoroughfare. Ms. Dale explained that several residents had called with concerns about a property that is being cleared next to Perryview Estates. When the subdivision was established, there were going to be two additional phases built on this vacant property that connects on the west side of the current subdivision, but they never came to fruition. The streets in Perryview Estates, which would have eventually led to those phases, end where the vacant property begins. Residents are concerned that if storage is built on this property, access to the storage facility could be through their subdivision and roads. Ms. Dale continued that as the zoning resolution is written currently, the streets in this subdivision area all dedicated, public streets, and the Township

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would not be able to prohibit them from using the Perryview streets as a secondary means of ingress and egress. Ms. Dale showed the Commission suggested language that would limit access drives for all storage developments to only major thoroughfares to prevent them from going through a platted residential subdivision. Ms. Dress asked about a property that may border major and minor thoroughfares, but the minor thoroughfare is not through a platted subdivision. She expressed concern about limiting property owners by telling them they cannot use the minor thoroughfare as secondary access. Ms. Dale stated the intent is to keep the access drive on a major thoroughfare. Ms. Dress suggested having the language state that the access shall not be from a minor thoroughfare if that access would run through a residential subdivision. Ms. Dale said that she agreed with the language Ms. Dress was suggesting, but there were some existing properties with storage that due to their location on the water, the only access to those properties was through a residentially platted neighborhood or minor thoroughfare.

Ms. Dress asked if there were any waterfront properties whose sole business was storage that should not have access through a minor thoroughfare and platted subdivision. Ms. Dress said that the primary business of most of these properties was a marina and their secondary business was the storage part. Ms. Dale stated that there is the potential of a marina being built first and then a subdivision being built later and there would be no other access than through that subdivision. Ms. Singer said she is in favor of adding this type of language to protect the inner donut, and even if it is on the outer ring of the donut and not right up against the water, it achieves the Commission's goal of limiting too much storage for the Township. Ms. Mahl stated another thought may be stating the primary or main access must be from a major thoroughfare, if available. Only secondary access, for safety reasons, could be through a platted residential subdivision. Ms. Dale stated the residents of Perryview were concerned about a potential storage facility having any access at all. They do not want access through their subdivision. Ms. Dale said it would not be very efficient or practical for that potential storage property to maneuver boats through that residential neighborhood to access their facility. Ms. Mahl stated that unless it is their only access, we do not want that to happen either.

Ms. Dale showed an example of a property on North Buck Road that ODOT (Ohio Department of Transportation) refused to give road access due to their proximity to an intersection. That owner had to entirely reconfigure their property with another property owner to get access to Rte. 163. Ms. Dale said ODOT has full control over whether access will be given or not to any state road. The Township has no control over that. If ODOT denies a property owner access to a major thoroughfare, the whole property becomes extremely limited on how it can be used. It may not be practical for big boat storage, but it would not prevent someone from doing mini storage with little trucks, pickup trucks and other vehicles causing extra traffic through a residential neighborhood to get to this property. Ms. Dale stated she thinks it is a matter that needs to be discussed and addressed.

Mr. Tuttamore stated that he thinks it should be left alone and if there was an issue with property, they would have to go before the Board of Zoning Appeals (BZA). Ms. Dale stated they would have to go before the BZA anyway as a new development. Ms. Singer said the property by Perryview Estates could be in the same situation as the North Buck Road property if ODOT denies them access to the main thoroughfare. They would have to rework the property to ask for road access further down the thoroughfare if they wanted to do commercial, larger boat or mini storage.

Ms. Dale asked the Commission if they agreed that something should be added in section "C" regarding road access and how they wanted to word it. Ms. Dress suggested saying that access shall not be on a minor thoroughfare unless that is the only access available. Mr. Tuttamore questioned why every property had to qualify to be a storage property. Ms. Dale stated that if this language were put into the resolution and the property could not meet the regulations, they would have to request a variance to which the BZA would have to decide if there was an adequate roadway. It would have to meet the decision standards the BZA has to base their approval upon. Ms. Dale read from the defined BZA standards that all variances are decided on. Decision standard "F" for Conditional Use asks if the location will have vehicular approaches to the property which shall so be designated as not to create an interference with traffic on surrounding public/private streets or roads. If the BZA finds that the decision standard is not met, they can deny a request for that reason alone. Mr. Tuttamore stated he does not want to make the regulations so onerous that someone could not do storage but also does not think it needs to be so functional that any property in Danbury Township could be a storage facility.

The Commission Members stated they want the regulations to include not having access from minor thoroughfares and through residential neighborhoods. Ms. Singer stated it is important to protect the residents, their property values, and their safety. Mr. Kaminskaskas stated it is really protecting residential property. He continued that it should be written to protect the people who have homes so that somebody does not come in, build a storage facility and destroy the neighborhood.

Ms. Dale asked if the Commission Members were okay with the other changes she had outlined to the language specific to storage. The Commission Members stated they agreed with all the language changes.

Mr. Kaminskaskas asked Ms. Dale to show the buildable area for storage, based on the proposed new regulations, on the vacant property next to Perryview Estates. Ms. Dale outlined the area that

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could have storage built on it using all the proposed setbacks and landscaping/buffering regulations. The Commission Members made several comments on how storage building would be impacted with an irregular sized lot and one next to a residential development.

Ms. Dale moved onto the landscaping language that was discussed at the last work session. Ms. Dale pointed out on a handout the new language and how it changed what was in the Zoning Resolution previously. Ms. Dale read the updated purpose statement. She confirmed that the Commission Members were satisfied with the new language. She then read new language for the general regulations which will now require a commercial property to submit a landscaping and buffering plan as part of their site plan for a zoning permit. Ms. Dale continued that healthy existing trees and vegetation would be encouraged and could be used to satisfy any of the requirements of the landscaping/buffering regulations. The trees would need to be labeled on the site plan whether they were to be saved or removed. Ms. Singer stated she had sent the Commission Members some zoning language used by other cities and townships regarding tree preservation. She read aloud some of the specific language used which focused on saving existing trees and how an owner could be required to replace trees that were removed or destroyed on a property. Ms. Singer said this could help minimize the clear cutting of a piece of property, when vegetation and mature trees could be preserved longer instead of waiting for new young trees to grow. Ms. Dale stated that she liked the portion of language regarding existing trees, clusters of trees and wooded areas and pointed out it was much clearer than the language that was currently in the resolution or in the new proposed language. She stated that wetlands would fall under the Army Corps of Engineers for preservation or transfer and would be managed on the federal level. Mr. Huber asked if the concern is that a property owner will clear all the trees off a piece of property and there is nothing that can be done about it. Ms. Dale stated that it is a concern that there is no current regulation covering the preservation of existing growth on commercial properties, but there will be with this updated language for new development. Ms. Singer stated that in the language she saw from other zoning requirements were encouraging property owners to preserve mature deciduous and long-standing trees. She expressed her hope that similar language would be in the new regulations. Ms. Dale stated that she believes some of that language could be found in the next item in the Zoning Resolution which dealt with existing natural vegetation, bodies of water, wetlands and other existing conditions that offer screening. Commission Members discussed the removal of trees for residential development, in Lakeside and in general for new development.

Ms. Dale went onto read over the new language regarding the time limits and plant regulations for landscaping. Ms. Dress asked that a statement be added that invasive species be prohibited from being planted. She explained that the Ohio Department of Natural Resources (ODNR) keeps updated lists for all invasive species specifically for Ohio. She said the statement should be an invasive species as defined by the ODNR.

Ms. Dale read over the updated language for streetscapes for corner and multi frontage lots. Ms. Dale stated that she did not feel that a consensus had been reached on whether there needed to be a requirement for a set number of trees per so many feet, along with a mix of evergreen shrubbery and deciduous mixes for seasonal coverage. Ms. Singer read possible language she found that gave some distances trees should be planted apart based on their size. This would allow for maximum growth when those trees are mature. Ms. Mahl and Mr. Huber agreed that having a specified distance would be important in the landscaping plan to reach required opacity. Ms. Dress questioned the maximum opacity requirement and stated that it would be exceedingly difficult for someone to achieve. Commission Members agreed that the requirement percentage needed to be lowered.

Ms. Dale read the new language regarding continued proper maintenance of the landscaping and the legal penalties for violating that section of the Zoning Resolution. Ms. Dale explained a new Ohio house bill that changed zoning violations are now civil, not criminal and to pursue legal action would have to be through the Common Pleas court.

Ms. Singer referenced some research she had read regarding zoning for parking. She stated it has been found there is a need for mounding or screening when parking lots face a major thoroughfare due to cars turning on their lights and blinding drivers. It showed another reason that screening not only protects property values, but it can also help with visibility and preventing accidents. Ms. Dale stated there is screening or fencing required in the parking section of the Zoning Code already. Ms. Dale stated the parking language does need to be changed to reflect the proposed buffering requirement for streetscaping. Parking along a front property line needs to be at least ten feet back to match the streetscape requirement of ten feet. Ms. Dale stated she clarified that the loading berth shall be located in a prior front or side yard setback.

After determining that she believed that no further changes would need to happen to complete the new regulations, Ms. Dale gave an overview of the next steps in getting the proposed resolution requirements adopted. Tentative date for the Zoning Commission to initiate this amendment would be in July with a hearing following with Ottawa County Regional Planning. Next would be public hearings, followed by the amendment being sent to the Trustees for adoption. Ms. Dale advised the Zoning Commission Members that she planned to send all seventy-five current storage property owners a letter detailing what the new regulations were going to be. She also proposed holding an

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open house to further explain the changes to these property owners. Ms. Dale said that being open and upfront with these property owners would allow for a smoother public hearing process and may lessen the need for each owner to want to meet personally to discuss their individual property. Along with outlining the new regulations, she would be able to explain the need to get a master plan turned in, by a specific date, for any new development planned their properties. Having this open house would allow for any scenarios or issues brought up at the open house to be considered by the Zoning Commission before these amendments are initiated. Ms. Singer asked about outreach to the public. She stated there has been sentiment amongst residents about storage. Ms. Dale stated she was not sending out notices to individual property owners. She said word of mouth will spread in the area and the public would be welcome to attend the open house, as well. Ms. Dale said because these changes will affect more than ten properties, there is no requirement to do individualized notifications. Mr. Kaminskas stated that an open house had worked in the past when text amendments were made. The majority who initially showed up with a negative attitude of the changes left supporting them. It was a positive experience for the community.

Mr. Kaminskas questioned what the overall theme of the Storage Open House should be. He asked if it would be to improve Danbury Township and maintain property values. Ms. Mahl said that it is important to have a statement about why this is good for the community. Mr. Kaminskas agreed that the message needs to be clear as to why the Zoning Commission is doing this and what the benefit is to the people who live here. Ms. Dale said it all started because of the study the Trustees had contracted and the result being that we were currently in a fifty-acre surplus. The Trustees do not want the Township to be in a glut of storage. Ms. Singer said it is to protect value. Ms. Dale stated the Township wants to responsibly manage storage development. Mr. Huber recalled that the Trustees had also previously expressed a desire to diversify the commercial portfolio of the Township.

Ms. Dale read a portion of the letter going to current property owners which explained that the Trustees asked for a review of the regulations for the good of Danbury Township and the repeated concerns expressed by residents of the Township about the amount of storage being built. She then gave an overview of what areas of change were listed in the letter.

Ms. Dale went on to discuss more specifics about what she hoped to accomplish through the public Open House and what kinds of informational handouts she was working on to assist property owners in understanding how the changes would affect their individual property. Mr. Tuttamore asked about Commission Members being involved or attending the public open house. Ms. Dale advised that no more than three Members would be allowed to attend the meeting without having to call an official Special Meeting under Ohio Sunshine Laws, but she would appreciate their involvement in coming and assisting with questions and concerns. There was discussion about the potential of a public forum meeting to become adversarial due to the current political climate and what could be done to remedy that. Further discussion was on ways for the Commission Members to assist with questions at the Storage Open House and how to deflect their questions to Ms. Dale to stay consistent. This way the property owner is not going to be given different answers by different Commission Members.

Reports and Communications from Members and Staff

There was none.

Public Comments Regarding Zoning Items Not on the Agenda.



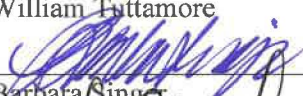

There was none.

Adjournment

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

The meeting was adjourned at 8:02 p.m.


RECORDING SECRETARY


Susan Dress

Vito Kaminskas

William Tuttamore

Barbara Singer

Douglas Huber
ZONING COMMISSION