

**TOWNSHIP BOARD OF TRUSTEES REGULAR**

**June 24, 20**

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, and called to order at 6:00 p.m. by President John Paul Dress.

The pledge of allegiance was recited the roll was called and the following members were present: Mr. John Paul Dress, Ms. Dianne M. Rozak and Mr. David M. Hirt. Also present was Fiscal Officer Carolyn Adams and Assistant Susan Dress and community resident Michael Turinsky and Jan, Julian, Richard Helsper with JJ's Table & Bar.

**APPROVAL OF THE MINUTES**

Mr. Hirt moved and Ms. Rozak seconded the motion to approve the regular meeting minutes for June 11, 2020 as presented. Roll call was unanimous and motion carried

The Helsper's were questioning their liquor permit transfer. The Township has not received any communication regarding the transfer. Township to follow up.

**ROADS-BUILDINGS-GROUNDS**

Road Superintendent Report

- Sackett Cemetery had 1 cremation burial. The Township will be receiving funds to replace the tombstones damaged during an auto accident at Sackett Cemetery.
- Continuation of new sign installation as time permits
- Mowing and maintaining Parks and road right away
- Recycling camera was installed last Wednesday along with the new signage.
- Storm damage cleanup and preparation for the upcoming holiday weekend.

**POLICE**

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 300 incidents to date in June. The Department received "Thank You for keeping us safe" letter and drawing from youngsters in the community. Patrolman Scott is working well with K-9 Kalahan

**FIRE**

The Township continues discussion on funding the Fire Station levy. Mr. Dress motioned contracting with the McDonald Hopkins Group with Amanda Gordon to advise on funding options. Mr. Hirt seconded the motion. Roll call all voted yes.

|              |  | <b>Fire &amp; Ems Run Details</b> |             |             |                 |              |                   |
|--------------|--|-----------------------------------|-------------|-------------|-----------------|--------------|-------------------|
|              |  | <b>EMS</b>                        | <b>Fire</b> | <b>MVC*</b> | <b>Alarm **</b> | <b>CO***</b> | <b>Mutual Aid</b> |
| 6-2020       |  | 80                                | 6           | 5           | 9               | 1            | 1                 |
| Year to date |  | 321                               | 20          | 15          | 37              | 4            | 2                 |
| Total        |  | 418                               |             |             |                 |              |                   |

\*Motor Vehicle Crash(es)  
 \*\* Alarm Activation(s)  
 \*\*\*Carbon Monoxide Investgation(s)

**ZONING**

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**Permits**

To-date this month there has been 30 permit applications submitted/processed totaling \$ 2,543.46 collected in fees and BZA balances.

**Board & Commission Activity**

**The Board of Zoning Appeals –**

The BZA held a Special adjudication hearing Tuesday, June 16, 2020, starting at 5:00p.m. via Zoom on the following cases:

- a. **BZA-2020-083**  
**Approved as Presented**  
**201 Elizabeth.** Request for an Area Variance to Section 5.2.C to allow for a detached garage to be 2' from the principal structure where 5' is required. **William Beatty & Christine Costello, Owners/Applicants; Pete Johnson, Agent.**
  
- b. **BZA-2020-088**  
**Approved as Presented**  
**660 Walnut.** Request for an Area Variance to Section 5.5.8 to allow for a 6' high fence to be 100% opaque where 66% opacity is required. **Carol Raber, Owner/Applicant.**
  
- c. **BZA-2020-082**  
**Approved as Presented**  
**602 E. 2<sup>nd</sup> Street.** Request for an Area Variance to Section 3.5 to allow for a second story & covered porch addition to encroach into the west, front-yard setback (4' proposed/ 5' required) and to Section 7.12.3.A. to allow more square footage than permitted onto a nonconforming structure (289.2s.f. [20%] permitted/ 408s.f. [28%] proposed). **Roger & Patti Gilcrest; PNGilcrest LTD, Owners/Applicant; John Feick, Agent.**
  
- d. **BZA-2020-089**  
**Approved as Presented**  
**602 Lakefront.** Request to for an Area Variance to Section 3.5 to allow for a storage addition to encroach into the east, side-yard setback (2' proposed/ 3' required) and to exceed the allowable lot coverage (59.8% proposed/ 55% required). Also requesting a variance from Section 7.12.3.C. to allow for more than 75% of the floor area contained in the nonconforming structure to be demolished, removed or structurally altered. **William Williams, Owner/Applicant; John Feick, Agent.**

The BZA held their regular adjudication hearing Wednesday, June 17, 2020, starting at 6:30.m. via Zoom on the following case:

- a. **BZA-2020-090** **Postponed**  
**to July per applicant's request**  
**1696 Jeannie Drive.** Request for an Appeal of the Zoning Inspectors Decision in reference to Section 7.2.4 regarding the refusal of a bridge/deck permit (Permit# 2020-020). **John & Dawn Henderson, Owner/Applicant; Michael Bassett, Esq., Agent.**

**The Zoning Commission -**

The next Zoning Commission meeting is scheduled for July 1, 2020.

**Department Updates**

- Nothing New to Report

**Violations/ Complaints:**

**DILAPIDATED STRUCTURES:**

**7597 E. Harbor Road (Mazur Barn)**  
**Open**

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Trustee Resolution 07-2020 passed 05.13.20 giving Mr. Mazur until July 1, 2020 to remove remaining debris.

Prior Info: The barn was knocked down 2/20/20. KAD contacted Mr. Mazur 2/24/20 to get an update about the removal of the barn. He indicated that while he had someone lined up who wants the wood and to remove it, he did not have a set date for that to be completed and indicated it likely would not be done by the March 9, 2020 deadline. The owner still has a dumpster on the property. There are misc. piles of debris, including quite a few tires. Deadline has technically passed for the owner to complete this. Question of the Trustees is whether they wish to allow him to continue or proceed with entering the property. At your March 11, 2020 meeting, the Trustees asked that I contact Mr. Mazur and let him know the Board would be taking no further action until your next meeting. That didn't happen due to Covid-19. He has a pile of tires that he stated he plans to take to the County fairground tire recycling day which isn't scheduled until October 17, 2020 and they will only accept 10 tires per resident. There appears to be another smaller pile of debris still left and I do not recall what he said his intentions were with that, but it may be some of the wood from the barn that someone wanted to keep. Just let me know if any further action needs to be taken on this or if we can close the case. April 8, 2020, the Board of Trustees decided to give Mr. Mazur another 90 days to finish cleaning up the debris from his barn tear down. A resolution is enclosed for your consideration documenting that he has until a date certain that the Board sets to finish cleaning up the property. Staff would recommend July 1, 2020, but if you follow your initial 90 days, that would put him at July 7, 2020.

**JUNK & DEBRIS:**

**248 Erie Beach** (*Misc. household Junk & Debris – Richards*)

**Open**

Complaint filed with Municipal Court 06.19.20.

Prior Info: Complaint was received 03/19/20 regarding the condition of this property. Letter was sent to the property owner via Certified Mail on 04/02/20. Letter attached for your review. Owner signed for and received his letter 04/08/2020. Upon reinspection 04/22/20 the yard has been slightly picked up, they have removed some recreational vehicles so they are in compliance with only 3 items on the property. They have not removed 2 junk vehicles and another letter was sent to them 04/24/20. This will be reinspected this week to see if any additional improvements have been made. Final Notice letter was sent via Certified Mail May 19, 2020. Owner is refusing to claim the letter at the post office. Letter sent via regular mail also. Next step if failure to correct will be filing a complaint with Municipal Court.

**1030 Deer Run Trail** (*Junk Vehicle & Junk & Debris – Kobak*)

**CLOSED**

Owner and occupant signed for their certified letters and have corrected the problems. There are lots of underlying neighborhood disputes involving these occupants and homeowner. It's a borderline harassment issue and a long conversation was had with the primary complainant also. Many issues that have nothing to do with zoning.

Prior Info: Six complaints were received 06.02.20 from multiple neighbors regarding the condition of the property at the corner of Deer Run Trail & E. Port Clinton Eastern Road including the truck with flat tires. Certified Letter sent to the owner and occupants 06.05.20.

**TALL GRASS:**

**312 Willowdale** (*Tall grass– James-Forkapa*)

**Open**

Complaint received 06.18.20. Certified letter sent 06.19.20

**607 John Street** (*Tall grass– Vayda/Elkington*)

**CLOSED**

Owner was contacted again 06.08.20 and grass has been properly cut as of 06.13.20.

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Prior Info: Complaint received 05.12.20. Certified letter was sent to the property owner 05.12.20. Owner signed for Certified Letter 05.14.20 and called saying they would have it cut over Memorial Day Weekend. Upon re-inspection 05.26.20 grass had been cut but was not as low as would be expected.

**140 Tibbels** (*Tall grass– Wowk*)

**Open**

Second Certified letter sent 06.11.20 and was signed for by the owners 06.13.20. Reinspect 06.22.20

Prior Info: Complaint filed 05.15.20. Certified Letter sent 05.19.20 and signed for by owner 05.21.20. Grass has been cut, but was not as low as would be expected

**9955 E. Bayshore Road** (*Tall grass– Burton*)

**Open**

Since sending the letter, which was received by the interested parties, we have received 2 formal written complaints and one phone call about this property. The grandson of the late Mr. Burton called and indicated that since he does not have possession of the property from the estate and bank (multiple mortgages were taken out), he has no intentions of maintaining it until he has rightful title to it. Tall grass resolution is included for the Board's passage.

Prior Info: This property is at the corner of Seneca Trail and Bayshore. We have not received a formal complaint, but the grass is waist high and needs to be addressed, especially at the corner for vehicular sight pulling out from Seneca Trail. The owner passed away in June 2019. Trying to find a good contact to send a letter to.

**CONSTRUCTION WITHOUT PERMITS:**

**562 Sycamore** (*Fence w/out Permit*)

**Open**

Lakeside advised that a fence that has been removed for more than 4 years was being reinstalled in the road ROW. Letter was sent to the owners and posted at the property. All work has ceased for the time-being while the property owner goes through the Lakeside review process.

**2601 Walleye** (*Fence w/out Permit – Weiland-Price*)

**CLOSED**

Fence ended up being installed by the neighbor. Neighbor had since come in and received proper permits.

Prior Info: Replacement of fence without proper permits. Ugly side is facing neighbor. Warning letter send via regular mail 06.05.20.

**186 Sunnydale** (*Deck w/out Permit - Pruitt*)

**Open**

Owner has submitted a variance application for the deck which will be heard in July.

Prior Info: Construction of a deck without a permit even after the owner emailed asking. When told they would need a variance, she had someone build the deck anyway. Certified letter sent 06/08/2020

**1696 Jeanie** (*Deck/Bridge w/out Permit – Henderson*)

**Open**

Homeowners requested a 1 month continuance/ postponement because they intend to remove the bridge.

Case is scheduled before the BZA on June 17, 2020 at 6:30p.m. via Zoom.

Prior Info: Letter sent to the property owner 06/26/19 regarding a deck/bridge being constructed without proper permits which so happens to be over a drainage ditch easement. Owner came in 07/01/19 after receiving letter. He provided a copy of letter sent to his association asking for approval of the bridge that may be in the private drainage easement. Association member came in 07/03/19 and 07/08/19 asking for clarification on what is and is not allowed. Awaiting decision by the association. Association emailed over 09/28/19

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weekend and stated that the bridge had been denied and asked the homeowner to remove what of the structure was in place by November 1, 2019. Will monitor to see if that work takes place before pursuing any zoning action further. 11/07/19 spoke with homeowner and they indicated that they have been in touch with their attorney over this issue. Spoke to homeowner's attorney on 11/12/19 regarding the matter. Homeowners & their Atty met 12/3/19. As of 12/5/19 they are going to request mediation with the Association. They are giving the Association until 12/23 or 12/30 to respond. Received an email from the Association 12/16/19 indicating that they have not heard anything from the Henderson's or their attorney regarding this matter. Follow-up was requested from the Attorney, he indicated he got behind in some of his paperwork and intends to file the mediation request 12/23/19. To-date the attorney representing this homeowner has failed to follow thru and submit the necessary paperwork to Ottawa County Municipal Court requesting mediation. He has assured me for over a month that this was being taken care of. A certified letter has been sent out to both the property owner and attorney requiring that the bridge/deck be removed by February 1, 2020. Atty. & property owner received their certified letters 1/10 & 1/11 respectively. Atty. called 1/17 to say they have filed mediation paperwork. Court has confirmed this has been filed and the mediation date is to be held at 10:00a.m. on 1/28. On 01/27/20, the day before the scheduled mediation, the association's attorney called for background information and stated they refuse to sit at the table for mediation. I contacted the Prosecutor because this case could result in claims that I wanted to see if he would be able to pursue or represent the Township on. He in turn contacted the attorney on behalf of the property owner in question and the association's attorney and they are supposed to all sit down and meet together without the formal process of mediation. Henderson's attorney was made aware by the Prosecutor that the deadline to file an appeal is this Friday (2/28/20) at noon. If an appeal is not filed, then a citation will be filed with Municipal Court to have the bridge removed. February 28<sup>th</sup> the attorney for the property owner submitted a permit application for the bridge which was subsequently refused. It is anticipated that the attorney will be submitting an appeal application to the BZA for their consideration. The next deadline is March 27<sup>th</sup> for the April 15<sup>th</sup> hearing. March 27, 2020 the Henderson's have submitted their application to appeal my decision to deny their permit application to the Board of Zoning Appeals. Since this case is going to involve Attorneys, residents and likely a court reporter, we are going to hold off on having the hearing until we can meet in person. If restrictions do not lift for the State, then we will attempt to hold this hearing via Zoom. The Association President emailed 04/21/20 asking for a status update because he was surprised to have returned from Florida to still see the bridge in place. He was told that a permit application had been filed and refused and subsequently a BZA application has been received, but we are waiting until the Board can meet in-person for the hearing. He was also told that had the Association agreed to meet in mediation this could have been resolved sooner, but now these applications put a Stay on any further action, which will likely end up in court and further Stay any action on the bridge for possibly a year or more.

**The Board of Trustees of Danbury Township, County of Ottawa, Ohio**, met in a regular meeting session at 6:00 p.m., on June 24, 2020, at the Danbury Township Building, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. John Paul Dress; Mr. David Hirt

Ms. Rozak introduced the following resolution and moved its adoption:

### **RESOLUTION NO. 10-2020**

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**RESOLUTION DECLARING THE PROPERTY OWNED BY EBB BURTON, LOCATED AT  
9955 E. BAYSHORE ROAD (PIN# 0141219416268000 & 0141219416307000)  
IN DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO,  
A NUSIANCE AND ORDERING ABATEMENT**

**PREAMBLE**

**WHEREAS**, the Danbury Township Board of Trustees (the "Board") has found the property owned by Ebb Burton, and located at 9955 E. Bayshore Road, Lots 82, 83, 130 & 131 of Mineyatha Subdivision (PIN# 0141219416268000 & 0141219416307000), to be littered with weeds, debris and uncontrolled vegetation (the "Vegetation and Debris"), exceeding 12", and;

**WHEREAS**, pursuant to §505.87 of the Ohio Revised Code, the Board is authorized to determine that the maintenance or vegetation, debris upon a property constitutes a nuisance and order the property owner to remove such vegetation and debris within seven (7) days, and if the owner fails to remove the vegetation and debris or make arrangements for the removal within the allotted time period, the Board may proceed to remove the vegetation and debris and enter the cost of such removal upon the tax duplicate for the property; and

**WHEREAS**, Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage refuse, or other debris on the same land in the township constitutes a nuisance, at least four days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

**WHEREAS**, it is in the best interests of Danbury Township (the "Township") and its residents to proceed under §505.87 of the Ohio Revised Code in order to remove, or have removed the Vegetation and Debris from the Property.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Trustees of Danbury Township, Ottawa County, Ohio has found that the property owned by Ebb Burton, and located at 9955 E. Bayshore Road, Lots 82, 83, 130 & 131 of Mineyatha Subdivision (PIN# 0141219416268000 & 0141219416307000), in Danbury Township, Ottawa County, Ohio is littered with weeds, debris and uncontrolled vegetation, exceeding 12", and the Board hereby determines that the maintenance of the Vegetation and Debris on the Property constitutes a nuisance and, pursuant to §505.87 of the Ohio Revised Code, orders the following actions:

**Section 1.** The Board orders the owner of the Property to remove the Vegetation and Debris or make arrangements for the removal within seven (7) days after receipt of notice of this Resolution;

**Section 2.** The Board authorizes the Zoning Inspector or their designee to notify the record owner and lienholders of the Property as provided in §505.87(B) of the Ohio Revised Code;

**Section 3.** If the record owner does not remove the Vegetation and Debris or make arrangements for the removal within seven (7) days from the receipt of notice hereof, the Trustee designated as the Zoning Department liaison is authorized to order Township employees, or enter into contract with any persons with adequate materials and equipment to be used to remove and abate the Vegetation and Debris, and all costs and expenses so incurred shall, when approved by the Board, be paid out of the unappropriated monies in the general fund;

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**Section 4.** The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Vegetation and Debris to the Auditor of Ottawa County, Ohio for entry upon the tax duplicate as a lien upon the Property and for collection and reimbursement of the Township’s general fund as provided in §505.87 of the Ohio Revised Code;

**Section 5.** This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

This Resolution shall take effect and be in force from or after the earliest period allowed by law.

Mr. Dress seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak YES Mr. Dress YES Mr. Hirt YES

**ADOPTED** this 24<sup>th</sup> day of June, 2020.

**NEW BUSINESS**

**A check has been received from the Ottawa County Safety Council for the safety-training program our employees attended. Thanks you Susan Dress our safety coordinator.**

**FISCAL BUSINESS**

A motion by Ms. Rozak and seconded by Mr. Dress to approve the payroll and bills totaling \$49,743.97 for the period 6/11 – 6/24. Roll call was unanimous and motion carried. Ms. Rozak motioned and Mr. Hirt seconded the acceptance of the May bank reconciliation. Roll Call all voted yes.

There being no further business before the Board, Mr. Dress moved and Ms. Rozak seconded a motion to adjourn at 6:55 p.m. Motion carried.

\_\_\_\_\_  
Fiscal Officer

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Danbury Township Board of Trustees