

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, Trustee Dress called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

Roll call indicated Trustees John Paul Dress, Dave Hirt and Dianne Rozak, Fiscal Officer Carolyn Adams and assistant Susan Dress were in attendance. Department heads were excused. State Senator Theresa Gavarone and Caleb Stidham were guests.

State Senator Theresa Gavarone gave an update of work being done in Columbus.

FIRE

Chief Kahler provided the following report:

	Fire & EMS Run Details					
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
As of 8/12	21	1	0	2	0	0
Sub total	423	24	20	49	6	3
	81%	5%	4%	9%	1%	1%
Total 2020	525					

Equipment invoices that need approval, Fire Safety Services \$4823.60 for fire hose and Fire Safety Services, \$8344.00 for Lex cylinders. The Volunteer Department Association has donated \$4172.00 toward the purchase of this equipment. Ms. Rozak motioned approval and Mr. Dress seconded. Roll Call all voted aye. Ms. Rozak moved approval of an Education Contract for Collin Armstrong in the amount of \$1150.00. Mr. Hirt seconded, all voted yes.

ROAD, BUILDINGS, GROUNDS

- Sackett Cemetery has held three cremation funerals.
- Mowing and maintaining the parks and road right of ways continues.
- Preparation continues for the Township clean-up week.
- Township Road striping has been completed.

Police

Chief Meisler provided the monthly activity records. The month of July had 460 calls for service, August to date has had 141 calls. Trustees accepted the resignation of Patrolman Brayden Schrader effective August 1. Mr. Dress motioned and Mr. Hirt seconded. Roll Call, all voted aye.

Mr. Hirt moved confirmation of Logan J. Bethard appointment as Patrolman, pending results of drug and physical pre-employment screening. Ms. Rozak seconded. Roll Call, all aye. Start date and swearing in will be August 24th. Starting wages are \$20.50 per hour.

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

Ms. Rozak moved approval of \$2.50 per hour increase for Kyle Scott at the conclusion of two months of employment. Mr. Hirt seconded, all voted aye. Chief received a "Thank You" from Deb Anderson regarding the help provided by Officer Scott and K-9 Kalahan when car problems left her stranded.

ZONING

Permits

38 permit applications were processed for the month of **July** totaling \$2,737.54 in collected fees.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held a Special adjudication hearing Tuesday, July 14, 2020, via Zoom on the following cases:

- a. **BZA-2020-111** **Approved as Presented**
186 Sunnydale. Request for an Area Variance to Section 3.5 to allow for a new deck to encroach into the east, front-yard setback (28' proposed/ 35' required). **Jeanne Pruitt, Owner/ Applicant.**

- b. **BZA-2020-117** **Approved as Presented**
7618 E. Bayshore Road #26 (Maplewood Cove). Request for an Area Variance from Section 7.12 and Section 4.16 to allow for the removal and replacement of a nonconforming resort unit (RV Camper) to encroach into the required 55' rear-yard setback (20' proposed). **Beverly Kuenzli, Owner/Applicant.**

- c. **BZA-2020-126** **Approved as Presented**
341 Willowdale. Request for an Area Variance from Section 5.2.1.C.ii to allow for a garage addition to encroach into the west, rear-yard setback (2' proposed/ 5' required). **River Roubaix, Owner/Applicant.**

- d. **BZA-2020-127** **Approved as Presented**
327 Shrock. Request for an Area Variance from Section 5.2.1.C.ii to allow for a shed to encroach into the south, side-yard setback and east, rear-yard setback (0' proposed/ 5' required). **Dennis & Diane Pamer, Owners/Applicants.**

- e. **BZA-2020-128** **Approved as Presented**
255 Hamilton. Request for an Area Variance from Section 5.1.7 to allow for a deck to encroach into the north, front-yard setback (7.05' proposed/ 20' required). **Cerny Family Association, Owner/Applicants; Kevin Clere, Agent.**

The BZA held their Regular adjudication hearing Wednesday, July 15, 2020, via Zoom on the following case:

- a. **BZA-2020-129** **Approved as Presented**
443 Walnut. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [325s.f. (29%) proposed/ 223.8 (20%) allowed] and to Section 5.5.8 to allow a 6' high fence in the side-yard (4' high permitted). **Eugene & Nancy Jacob, Owner/ Applicant.**

- b. **BZA-2020-130** **Postponed per Applicant**

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

177 S. Bridge Road (Lakeshore Canvas). Request for an Area Variance from Section 3.5 to allow for new commercial building to encroach in to the east, rear-yard setback (5' proposed/15' required) and south, side-yard setback (5' proposed/ 10' required). **Nate Schmitt, Owner/ Applicant.**

c. **BZA-2020-090**

Withdrawn

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.**

d. **BZA-2020-137**

Approved as

Presented

9440 Northern Avenue. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [2,008s.f. (115%) proposed/ 348s.f. (20%) allowed). **Clay & Becki Tice, Owners/Applicants; Pete Johnson, Agent.**

e. **BZA-2020-138**

Approved as

Presented

432 E. 2nd Street. Request to for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, side-yard setback (0' proposed/ 3' required), east, side-yard setback (1'6" proposed/ 3' required), and to exceed the allowable lot coverage (58% proposed/ 55% required). Also requesting an Area Variance from Section 7.12.3.A to exceed the allowable addition square footage onto a nonconforming structure (705.04 s.f.; 38% proposed/ 394.2 s.f.; 20% required). **David & Meredith Workman, Owners/Applicant; John Feick, Agent.**

The Zoning Commission -

The Zoning Commission meeting July 1, 2020 was cancelled due to the Covid-19 stay-at-home-orders and there were no cases to be heard.

Ottawa County Regional Planning Commission considered a Map Amendment request on the following application at their July 21, 2020 meeting and recommended Approval as Presented:

ZC-2020-143 0, 419 & 479 S. Lightner Road. Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0141174415277000 (Sec. 4, part of Lot 16 NW Corner 70'x 125' Firelands Survey – 0.200ac.), 0141866525006000 (35.543acres) & 0141866525006001 (7.324ac.)(both Sec. 4, part of Lot 16 Firelands Survey) consisting of 43.067 total acres. **Francisco & Pamela Davis-Guerra, Owner/Applicant; R. Brian Hunt, Owner/Applicant; Holly Hunt, International Animal Exchange/ Agent; Rod Gillespie, BEC Associates/Agent.**

Department Updates

None.

Office Activity

During the month of July, the Department went on 101 site visits, responded to 1,292 calls, e-mails and in-person inquiries as follows:

- Outgoing 198
- Incoming 519
- Other
- Emails 575
- Violation Letters 10

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

Permits

To-date this month AUGUST there has been 8 permit applications submitted/processed totaling \$688.52 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold a Special adjudication hearing Tuesday, August 18, 2020, starting at 5:00p.m. via Zoom on the following cases:

- a. **BZA-2020-130**
177 S. Bridge Road (Lakeshore Canvas). Request for an Area Variance from Section 3.5 to allow for new 60' x 80' commercial building to encroach in to the east, rear-yard setback (5' proposed/15' required) and south, side-yard setback (4' proposed/ 10' required). **Nate Schmitt, Owner/ Applicant.**
- b. **BZA-2020-166**
7957 Riedmaier. Request for an Area Variance from Section 5.1.7 to allow for an addition onto the existing home to encroach into the west, side-yard setback (1.25' proposed/ 5' required). **James Rudolph, Owner/ Lee Short, Agent.**
- c. **BZA-2020-169**
185 Lynn. Request for an Area Variance from Section 3.5 to allow for a porch addition to be 0.7" from the west, front property line (5' required), 2'6" from the north, side property line (3' required), a hallway addition to be 2'7" from the north, side property line (3' required), and to increase the lot coverage from 46.9% to 69.5% (55% required/ 6.53% new) Also request a variance from Section 7.12.3.C to allow more than a 20% addition onto a nonconforming structure [371.2s.f. allowed/ 1,222s.f. proposed (65.8%); 160s.f. new (8.6% increase)]. **Gary Pierce, Owner/ Applicant; Travis Mayer/ Agent.**
- d. **BZA-2020-171**
163 Vine. Request for an Area Variance from Section 5.2.2. to allow for a new shed to encroach into the south, side-yard setback and east, rear-yard setback (0' proposed/ 3' required). **Ralph & Rina Oxley, Owners/ Applicant.**

The BZA will hold their Regular adjudication hearing Wednesday, August 19, 2020, starting at 5:00.m. via Zoom on the following cases:

- a. **BZA-2020-172**
2027 Arlington. Request for an Area Variance from Section 5.1.7 to allow for a covered front porch to encroach into the west, front-yard setback (13' proposed/20' required) and the north, side-yard setback (0' proposed/5' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [310s.f. (26.7%) proposed/232s.f.(20%) permitted]. **Kenneth Ensman & Julie Swanger, Owners/Applicants; Scott Harris, Agent.**
- b. **BZA-2020-174**
8456 E. Bayshore. Request for an Area Variance from Section 5.2.1.C.ii to allow for a detached garage to encroach into the south, rear-yard setback (1' proposed/ 5' required). **Felix & Sharon Polanco, Owners/Applicants.**
- c. **BZA-2020-175**
466 Church. Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 2,000s.f. (3,750s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed) **Richard Henry, Owners/Applicant**

The Zoning Commission -

The Zoning Commission held a public hearing August 5, 2020 on the following case:

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

- a. **ZC-2020-143 0, 419 & 479 S. Lightner Road.** Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0141174415277000 (Sec. 4, part of Lot 16 NW Corner 70'x 125' Firelands Survey – 0.200ac.), 0141866525006000 (35.543acres) & 0141866525006001 (7.324ac.)(both Sec. 4, part of Lot 16 Firelands Survey) consisting of 43.067 total acres. **Francisco & Pamela Davis-Guerra, Owner/Applicant; R. Brian Hunt, Owner/Applicant; Holly Hunt, International Animal Exchange/ Agent; Rod Gillespie, BEC Associates/Agent.**

Ottawa County Regional Planning Commission met July 21, 2020 and recommended approval. The Zoning Commission also is recommending approval. Packets are provided and ask that the Board of Trustees schedule a public hearing for September 9, 2020 starting at 5:45p.m. just before the start of your regular meeting that evening.

Department Updates

- Nothing new to report.

Violations/ Complaints:

ILLEGAL RENTAL:

5849 Dennis (*Illegal Rental – Northcoast Anchor Development*)
CLOSED

Owner signed for and received their letter 07.17.20 and then called 07.21.20. After discussing the issue with them, they removed their online advertising completely.

Prior Info: Complaint filed 07.11.2020 about on-going illegal use of the house as a rental to charters. Certified letter sent July 13, 2020 and was delivered & signed for 07.17.2020.

ILLEGAL CAMPERS:

8183 & 8193 E. Lake Blvd. (*Illegal Camper – Zimlich*)
CLOSED

Camper was removed and case closed 07.23.20.

Prior Info: Complaint received 07.13.20 about a camper on this property over the weekend and is apparently staying for the week. Complainant verified people are definitely staying in it. Certified Letter was sent the same day and received by the owner 07.18.20.

7558 E. Bayshore Road. (*Illegal Camper – Leimbach*)
CLOSED

Campers have been removed. No new reports of campers returning.

Prior Info: Verbal, phone complaint was received over 4th of July holiday from an adjacent property owner there were multiple campers on this property for the holiday weekend and tend to show up other weekends also. Letter was sent July 6, 2020. Owner called and asked if they could become an RV Park. Explained that they would need to receive a Conditional Use from the BZA, but that RV parks have a 10 acre minimum lot size, which this property does not have. In addition, they would be required to have a Campground license from the Health District and possibly approvals thru the EPA, depending if sewer & water were to be extended. Owner had a bit of an attitude about it over the phone which gave the impression they may continue to do this. We'll continue to monitor.

JUNK & DEBRIS:

1265 Englebeck Road (*Multiple Junk Vehicles – Carr*)
CLOSED

As of 07.29.20 all junk vehicles have been removed. There is a camper still on the property, which is permitted and there is some misc. junk and debris, but at

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

this time they have not been cited for that and is likely now more visible due to the vehicles being removed.

Prior Info: Complaint was filed 06.24.20. Due to office workload and amount of vehicles that had to be inventoried on this property (7 visible), a letter was delayed in going out. Certified letter was sent 07.07.2020. Owner received the letter 07.17.20. Owner will have 14 days to remove or conceal vehicles. Property will be re-checked 07.31.20.

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

Open

Owner pled Not Guilty which is now causing this case to go before the Muni Court as a bench trial which is scheduled to take place August 12, 2020 at 9:00a.m. KAD will update Trustee Rozak following the proceedings.

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. Complaint filed with Municipal Court 06.19.20 for 2 junk vehicles and exceeding allowable number of recreational vehicles on the property. Hearing is to be held morning of 07.08.20. Will give Trustee Rozak update of outcome.

TALL GRASS:

Regatta Subdivision (*Tall grass– Rospert*)

CLOSED

Complaint received 07.29.20 regarding high vegetation and overgrowth along western property line. Certified Letter sent 07.31.20. Owner received the letter 08.03.2020. Most of the grass was cut except along the shore line due to wetland requirements and upcoming dredging. Apparently the EPA has also required silt fencing along the western property line until the property is finished with development, which is part of the problem of vegetation overgrowth along that property line.

7426 E. Bayshore (*Tall grass– Smecker*)

CLOSED

Letters were sent 07.21.20. Most letters were signed for and received 07.24.20 & 07.27.20. Grass ended up getting cut the weekend of 07.24.20.

Prior Info: Complaint received over the weekend on 07.18.20 regarding tall grass on this property. It is in the middle of a foreclosure. Letters will go out this week to interested parties.

8569 & 8581 Billings (*Tall grass– Kowalski*)

Open

Nothing has been done as of 07.29.20 despite yard being mowed. Second letter sent 07.31.20. Delivered 08.03.20.

Prior Info: Complaint was received 07.08.2020 regarding tall weeds around the trees and house and a couch out in the yard. Certified letter was sent later the same day. Owner signed for and received the letter 07.10.20 and called last week about it. Will be re-checked 07.24.20.

129 S. Bridge (*Tall grass– Scott Thompson*)

CLOSED

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

Letter being returned unclaimed even though owner was aware of it. KAD called owner 07.29.20 & left message that he had until 08.05.20 to get it taken care of or we would pursue formal action to abate. Owner called after receiving message and grass was cut 08.01.2020.

Prior Info: Complaint received 06.29.20. Certified letter sent same day. Owner still has not claim, but the owner called 07.15.20 and is aware of the letter, and asked what it was about.

140 Tibbels (Tall grass– Wowk)

CLOSED

Appears as though someone is monitoring this and now regularly cutting it.

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. Second Certified letter sent 06.11.20 and was signed for by the owners 06.13.20. Grass has been cut as of 07.02.20, but I can't tell if they have it on a regular schedule or if they are doing it after they receive a letter from us.

607 John Street (Tall grass– Vayda/Elkington)

CLOSED

2nd letter was signed for and received by the owner 07.10.20. Grass was continuously cut & maintained as of 07.29.20.

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. Owner was contacted again 06.08.20 and grass has been properly cut as of 06.13.20. Complaint received 07.06.20. 2nd formal notice – Order to Comply will be sent via Certified Mail this week.

CONSTRUCTION WITHOUT PERMITS:

1800 Anna (Covered Patio w/out Permit – Molnar)

Open

Letter sent to owner regarding a substantial patio covering that was constructed over the rear patio without proper permits.

172 Elizabeth (Shed w/out Permit – Guy Tibbels)

Open

Owner is actively working on getting the necessary paperwork in order.

Prior Info: A replacement shed was installed without a permit. Located partially on property not owned solely by the lot owner. Letter was sent via regular mail 06.26.20. Owner called 06.29.20 and is trying to make sure property agreements with his siblings and family business are in place and have actually been recorded.

OTHER:

1432 N. Buck Road (So-Lucki Lodge - Solecki)

CLOSED

Owner has removed some listings of the owner suite being available for rent. Has agreed to stop offering that room. A special inspection would have been required to adjust the occupancy and to inspect where the owner indicated they were staying if the owner's suite had been occupied. Owner did not wish to have a modification made to their Conditional Use.

Prior Info: Owner was sent a letter 07.03.20 notifying them that according to their marketing material they are not operating their B&B Conditional Use as approved and risk having their permit revoked if they continue to operate illegally. This application could be modified as a Minor Amendment to a Conditional Use, but we're waiting on the Building Department to get back with us on occupancy before officially taking that action.

TOWNSHIP BOARD OF TRUSTEES REGULAR

August 12, 2020

Trustees set September 9, 2020 at 5:45 PM for a public hearing for a map amendment for African Safari on a motion by Ms. Rozak and seconded by Mr. Dress. All voted aye.

OLD BUSINESS

August 20th ODOT will hold virtual meeting concerning the Round About on Rt. 163 and Northshore/Englebeck Roads.

NEW BUSINESS

Ms. Rozak moved to executive session to discuss sale of Township properties, Mr. Hirt seconded the motion at 7:04 PM. Ms. Rozak motioned to leave executive session and seconded by Mr. Dress at 7:19 PM.

FISCAL BUSINESS

RESOLUTION 13-2020

RESOLUTION ACCEPTING THE AMOUNTS ABD RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING TO THE COUNTY AUDITOR.

(SEE ATTACHMENT)

RESOLUTION 14-2020


RESOLUTION ACCEPTING THE AMOUNTS ABD RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING TO THE COUNTY AUDITOR.

(SEE ATTACHMENT)

Mr. Hirt moved the acceptance of the June 2020 Bank Reconciliation seconded by Ms. Rozak. All voted yes.

Ms. Rozak moved approval of payroll and bills in the amount of \$119,815.56 for the period July 23 – August 12, 2020, Mr. Hirt seconded. Roll call all voted yes.

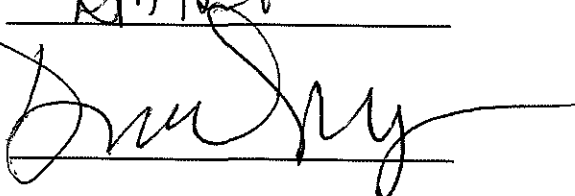
Motion to adjourn at 7:25 by Ms. Rozak and seconded by Mr. Hirt.



Fiscal Officer







Danbury Township Board of Trustees