

TOWNSHIP BOARD OF TRUSTEES REGULAR

October 14, 2020

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, October 14th, and called to order at 6:00 p.m. by Chairman Dress.

The pledge of allegiance was recited the roll was called and the following members present, Mr. John Paul Dress, Ms. Dianne M. Rozak and Mr. David M. Hirt. Also present were, Fiscal Officer Carolyn Adams, Fire Chief Keith Kahler, and Susan Dress assistant.

APPROVAL OF THE MINUTES

Ms. Rozak moved and Mr. Hirt seconded the motion to approve the September 23rd. meeting minutes. Roll call was unanimous and motion carried.

CORRESPONDENCE

- Information from the Ottawa County Park District explaining their need for a 0.6 mill levy.
- Letter received from Max and Marilyn Harshman expressing great satisfaction with service received from Zoning Inspector Kathy Dale.
- Notification from Ottawa County Holiday Bureau they will not request help this year from any Township staff. Vouchers and gift card will be distributed in lieu of food.

***** NOVEMBER MEETING DATE CHANGES***
10TH and 24TH AT 6:00PM**

ROADS-BUILDINGS-GROUNDS

- Sackett Cemetery held one full service burial
- Mowing and maintaining Parks and road right of ways.
- Lightner Road paving is finished.
- Department continues to install new street signs as time permits throughout the Township
- A request had been made for a new street light at Regatta Passage and St. Rt. 163. Mr. Hirt to follow up on installation.

Mr. Dress motioned adoption of a Part Time Maintenance Worker job description. Second by Mr. Hirt. Roll Call all voted yes.

Trustees discussed proceeding with the new salt /material building. Note this is only part one of the project. After reviewing available finances in the Road Department Budget the decision was made to proceed.

POLICE

Mr. Dress read the report submitted by Police Chief Mike Meisler that listed the department responded to 273 incidents in September and 145 to date in October. Chief Meisler joined a Zoom meeting with the Lakeside Property Owners Association, October 3rd. During the meeting the group pledged a \$3500.00 donation to the department. Chief Meisler plans to purchase new computer equipment for the department, and funds toward the K-9 Kahalan.

FIRE

At the request of Chief Kahler: A motion by Mr. Hirt to hire Christopher Bogart, part time as probationary firefighter, with no pay until Volunteer Fire Fighter certification is achieved. Ms. Rozak seconded the motion. Roll Call: all voted aye.

Ms. Rozak motioned to declare surplus, 12 sections of 3" fire hose, old and outdated. Mr. Hirt seconded the motion. Roll Call all voted yes.

Mr. Hirt read the report submitted by Chief Keith Kahler. Details are listed below:

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		Fire & Ems Run Details					
		EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
As of 10-14		25	1	0	3	0	1
	Subtotal	560	31	25	60	6	4
	Total	686					

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

ZONING

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

RESOLUTION NO. 20-2020

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, 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, On June 24, 2020 by Trustee Resolution 10-2020, the Board determined that the same landowner and land constituted a nuisance and the Property was subsequently abated by the Township and assessed to the tax duplicate in accordance with Ohio Revised Code Section 505.87; 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 four (4) days after the passage 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(C) 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 four (4) days from the passage of this

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Resolution, 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;

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. Hirt 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

Public Hearing for ZC-2020-206 O.E. Bayshore – Feller, November 10, 2020 5:45 PM.

Permits

30 permit applications were processed for the month of **September** totaling \$2,908.34 in collected fees.

Accessory Building:	5
Addition	
Commercial:	
Residential:	7
Appeals:	
Area Variance:	5
Conditional Use:	
Deck:	
Dock:	
Fence:	3
New SF Home:	1
New Commercial Structure:	2
Other:	1
Refusal:	5
Signage:	1
Swimming Pool:	
<u>Text/Map Amendment:</u>	
Total:	30

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held adjudication hearings Wednesday, September 16, 2020, via Zoom on the following cases:

- a. **BZA-2020-196** **Approved as**
Presented
5686 E. Harbor Road, Unit A-1 (Safe Harbor Development). Request for Conditional Use in accordance with Section 3.4 and 7.11 to allow a kennel (doggie daycare).
Samantha Puckett, Applicant/ Agent.

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b. **BZA-2020-205** **Approved as Presented**

8582 Billings. Request for an Area Variance from Section 5.1.7 to allow for a covered front porch to encroach into the north, front-yard setback (14' proposed/ 20' required) and to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [708s.f. (53.3%) proposed/ 288s.f. (20%) permitted]. **Fred & Julie Reinhart, Owners/ Applicant.**

The Zoning Commission -

The Board of Trustees held a public hearing September 9, 2020 on the following case:

a. **ZC-2020-143** **Approved as Presented – Res. 17-2020,**

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.**

The Zoning Commission meeting scheduled for September 2, 2020 was cancelled. The next meeting is scheduled for October 7, 2020, which will be held for a rezoning application hearing.

Ottawa County Regional Planning Commission considered a Map Amendment request on the following application at their September 15, 2020 meeting and recommended Approval as Presented:

a. **ZC-2020-206** **0 E. Bayshore Road (SE Corner of S. Danbury N.).** Request for a Map Amendment from "A" Agricultural to "C-2" General Commercial for PIN# 0140828430281000 (Sec. 4, part of Lot 20) consisting of 5.311 total acres. **Timothy Feller, Owner/Applicant.**

Department Updates

- At the end of September, 242 permits have been issued, surpassing the 239 permits that were issued in all of 2019.

Office Activity

During the month of September, the Department went on 162 site visits, responded to 855 calls, e-mails and in-person inquiries as follows:

- Outgoing 98
- Incoming 320
- Other
- Emails 437
- Violation Letters 10
- Court Case 2

October Permits

To-date this month there has been 10 permit applications submitted/processed totaling \$836.45 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold adjudication hearings Wednesday, October 21, 2020 beginning at 5:00p.m., via Zoom on the following cases:

a. **BZA-2020-229**
6813 E. Bayshore Road. Request for an Area Variance from Section 5.2.1.A.ii to allow for a 20' x 40' pole barn addition to exceed the allowable 1,200s.f. cumulative square footage for an accessory structure (2,180s.f total proposed). **Daniel & Teresa Minter, Owner/Applicant.**

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- b. **BZA-2020-234**
6826 E. Bayshore Road. Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,620s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22' proposed). **Brian & Catherine Priore, Owner/Applicant; Curtis Knoch, Agent.**
- c. **BZA-2020-238**
319 Erie Beach Road. Request for an Area Variance from Section 5.1.7 to allow for a covered front porch awning addition to encroach into the north, side-yard setback (4'1" proposed/ 5' required). **Scott & Emily Semmelroth, Owner/Applicant.**
- d. **BZA-2020-240**
1070 N. Buck Road (Purple Parrot). Request for an Area Variance from Section 3.5 to allow for a commercial building addition to encroach into the west, side-yard setback (1.4' proposed/ 10' required). **James Stuart Spencer, Owner/Applicant.**
- e. **BZA-2020-242**
432 Lakefront. Request for an Area Variance from Section 3.1.5.D to allow for a deck/raised patio to encroach into the east, front-yard setback (4'9" proposed/ 5' required) and north, side-yard setback (0' proposed/ 3' required). **Mitchell & Christine Grindley, Owner/Applicant; Feick Design Group, Agent.**

The Zoning Commission -

The Zoning Commission held a public hearing on October 7, 2020 on the following rezoning application:

- a. **ZC-2020-206 0 E. Bayshore Road (SE Corner of S. Danbury N.).** Request for a Map Amendment from "A" Agricultural to "C-2" General Commercial for PIN# 0140828430281000 (Sec. 4, part of Lot 20) consisting of 5.311 total acres. **Timothy Feller, Owner/Applicant.**

Ottawa County Regional Planning Commission recommended **Approval as Presented** on this case at their September 15, 2020 meeting. The Zoning Commission also recommends **Approval as Presented**. The Trustees are asked to set a public hearing for this application for November 11, 2020 or whatever date that meeting is rescheduled to for 5:45p.m. The Board has been provided the packet of information.

Ottawa County Regional Planning Commission will meet October 20, 2020 at 7:00p.m. on the following applications:

- a. **ZC-2020-244 9605 E. Bayshore Road.** Request for a Map Amendment from "R-3" High Density Residential to "R-C" Recreational Commercial for PIN# 0141903031583000 (Sec. 1, Lot 9) consisting of 0.76 total acres. **Dean & Ann Rader, Owner/Applicant.**
- b. **ZC-2020-248 0 Bayshore Road.** Request for a Map Amendment from "A" Agricultural to "C-2" General Commercial for part of PIN# 0141160415534000 (Sec. 4, Lot 20) consisting of 17.665 total acres, but 11.25 acres to be rezoned. **Daniel Jadwisiak & Nancy Bailey, Owners/Applicants.**

Department Updates

None at this time.

Violations/ Complaints:

ILLEGAL RENTAL:

None.

ILLEGAL CAMPERS:

None.

JUNK & DEBRIS:

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1802 Bayview (*Cont' Scrapping, Junk & Debris – Christiansen*)

Open

The defendants both plead Not Guilty to their charges and a bench trial is scheduled for October 26, 2020 at 1:00p.m.

Prior Info: Verbal complaint was made by neighbor again on 09.10.20. Citations were filed with Muni Court on 09.11.20 for a zoning violation for continued use that is not permitted in that zoning district and ORC 505.87 for the junk & debris. Hearing is set for 09.30.20 at 8:30a.m.

280 Springcrest (*Misc. household Junk & Debris – Snyder*)

CLOSED!!!!

Long story short, bank was granted permission to get immediate possession of the house, the occupants and door locks were changed the same day as the emergency hearing. Bank came back and cleared the property a week later on

10.09.2020.

Prior Info: The first 'Warning' letter dated March 4, 2020 was sent via regular & certified mail. The second 'Notice to Comply' letter dated June 11, 2020 was sent via regular & certified mail. In both instances, the regular mail letter was received as it was never returned to us and the certified letters were returned to us unclaimed. A "Final Notice" was sent out August 27, 2020 via regular & certified mail as well. At least one of the certified letters is coming back unclaimed. We've received 3 written complaints and 2 verbal phone call complaints regarding this property. The owner of the property has been filed with a bankruptcy/ foreclosure action and has moved out to another location in Danbury, however, the owner's daughter & son-in-law have essentially moved in to the house with other acquaintances and are destroying the house from the inside-out. The furnace, hot water heater, cabinets, decks, etc. have been removed from the home. There has been multiple, documented emails, photos and phone calls with the bank, the bank's attorney and property preservation team regarding all this. The bank indicates they cannot do anything until the premises is vacated. I've looked at other options also, such as the Sanitary Engineer's office to see if they are current on water & sewer billing, which they are, but even if they hadn't been shut-offs are not occurring with many of the utility companies due to Covid-19. The Board of Trustee passed Resolution 18, 2020 on September 9, 2020 declaring the property as a nuisance. All letters were sent for this property and claimed by September 21, 2020. The earliest the Township may enter the property is Monday, September 28, 2020. The bank has filed a request with the court for an emergency hearing for a permanent injunction and emergency relief as well as a motion for a Temporary Restraining Order. Essentially what this means is the bank is looking to get the occupants out of the house so they can enter the property and get it cleaned up.

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

Open

Prosecutor's office is looking into claim by defendant that one of the campers on the property is registered as a utility trailer. If this is found to be not accurate, then the violation is still occurring and property owner is not in compliance with the court order and the court will be notified.

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 re-inspected 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

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update of outcome. 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. 08.12.20 was the bench trial for this case. The judge issued a \$250 fine (\$500 was possible) suspending \$100 provided that the owner complies with the zoning requirements within 60 days (October 11th).

TALL GRASS:

246 Arman (*Tall Weeds – Benko*)

CLOSED

Weeds cut as of 10.02.20.

Prior Info: Complaint was received 09.16.20. Yard is immaculate, but there is a small area behind the shed that is only visible to the complainant. Just a friendly regular mail letter was sent 09.22.20 to the property in question asking them to clean it up some.

CONSTRUCTION WITHOUT PERMITS:

2869 Amherst (*2nd story deck w/out Permit – Petroff*)

CLOSED

Zoning Permit was issued 10.01.2020.

Prior Info: Owner constructed 2nd story deck over rear patio. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond. Owner called September 4th and will be working on getting the proper paperwork in this week after Labor Day. Owner has not followed up further with the Township, but pulled the Building Permit on September 10th.

319 Erie Beach (*Covered front porch w/out Permit – Semmelroth*)

Open

Owner is on the agenda for the BZA's October 21, 2020 meeting.

Prior Info: Owner constructed covered awning over front existing deck. Letter sent via regular mail 08.20.20 and has until 09.04.20 to respond. Owner reached out and will need a variance. Waiting on them to turn in their necessary paperwork.

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.

OLD BUSINESS

The need for a Property Maintenance Code was discussed. Trustees will be reviewing the need, parameter and enforcement methods. Further research will be done.

NEW BUSINESS

The Ottawa County Drug Task Force requested a contribution based on population. Danbury Township has been requested a contribution of \$3200.00. Ms. Rozak motion acceptance and Mr. Dress seconded. Roll Call all voted AYE.

Trustees reviewed COVID funding and expenditures. A number of purchases made early on in the Pandemic were able to be reallocated to COVID funding, with the review continuing.

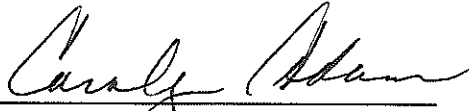
FISCAL BUSINESS

A motion by Ms. Rozak and seconded by Mr. Hirt to approve the payroll and bills totaling \$231,076.06 for the period 9/24-10/14. Roll call was unanimous and motion carried.

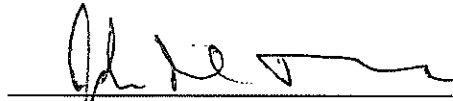
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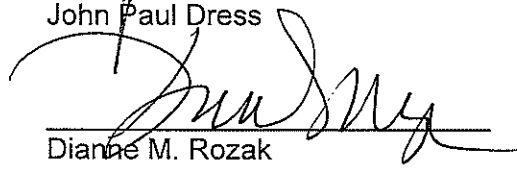
There being no further business before the Board, Mr. Dress moved and Mr. Hirt seconded a motion to adjourn, motion carried.



Carolyn Adam
Fiscal Officer



John Paul Dress



Dianne M. Rozak



David Hirt

Danbury Township Board of Trustees