

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

January 13, 2021

20

The Danbury Township Board of Trustees, Chairman Dave Hirt called the meeting to order at 6:00PM. The pledge of allegiance was recited. Roll call Mr. Dress, excused, Ms. Rozak and Mr. Hirt were present. Also present were, Fiscal Officer Carolyn Adams, Road Superintendent Brett Waldron and assistant Susan Dress.

Mr. Hirt motioned and Ms. Rozak seconded the acceptance of the meeting minutes of December 23rd regular meeting and December 30th reorganizational meeting. Roll Call: All voted yes.

Correspondence

- Ottawa County Recorder annual notice of filing requirements
- Annual report from Ottawa Regional Planning Commission
- Lafarge notification of price increase
- Office Of Budget and Management Capital Budget Fact Sheet Fiscal Years 2021-2022
- Ottawa County Community Foundation newsletter

Roads, Buildings, & Grounds

- Trustees are awaiting the County Prosecutor approval on contract verbiage for Maintenance Department salt building project.

Ms. Rozak moved approval of the 2021 Road Program. Meter Road and Mystic Bay Point. Meter Road cost is \$114,378.00 Mystic Bay Point cost is \$105,051.00. Total cost \$219,429.00. Mr. Hirt seconded the motion. Roll Call: all voted yes.

- Trustees approved Carter Lumber credit application.
- Department continues to install new street signs throughout the Township.
- Two minor snow events
- Trustees tentatively designated June 22nd thru 26th and September 28th thru October 2nd. Township Clean Up. Mr. Waldron to coordinate with Cyclone Services.
- Trustees approved Dog Park trash collection to cost \$30.00 per month, with pickup weekly.
- Meadowbrook Dike is in need of repairs. Ms. Rozak has spoken with the Federal DNR in search of funding for the project.
- Brett Waldron and Ms. Rozak discussed removal of muskrats from the dike area.. No permit is needed, as they are a nuisance animal.

Police

Chief Meisler provided the following 2020 year end statistics:

- Incidents: 3335
- K-9 Information
 - Training Events: 9
 - Drug Search/Find: 4
 - Building Search: 1
 - Assist Our Agency: 9
 - Assist Other Agencies: 1
 - Demonstrations: 0

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____ 20____

A total of 18 incidents were handled in the Village of Marblehead and 167 were handled within Lakeside.

To date in January 2021 the department has responded to 75 incidents.

Fire

Chief Keith Kahler submitted 2020 year end run details.

		Fire & Ems Run Details					
		EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
As of	12/31/2020	53	2	1	5	1	0
To date		702	34	27	73	8	
Year-To-Date		848					

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

Zoning

December Permits

To-date this month there has been 7 permit applications submitted/processed totaling \$ 981.75 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

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

- a. **BZA-2020-280**
Approved as Presented
425 Walnut. Request for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, front-yard setback (10" proposed/ 5' required). **John & Carolyn Slager, Owner/Applicant; Greg Zimmerman, Contractor/ Agent.**

- b. **BZA-2020-285**
Approved as Presented
335 Central. Request for an Area Variance to Section 7.12.3.A to allow more square footage than allowed onto a nonconforming structure (20%; 220.90s.f. allowed/ 26.3%; 290.13s.f. proposed). **James Morrow, Owner/Applicant; John Feick, Architect/ Agent.**

The BZA held election of officers. For 2021, Mr. Joseph Fetzer will serve as Chair, Ms. Loretta Grentzer Vice-Chair and Ms. Lisa Bauer Secretary. The Board also accepted the by-laws and meeting schedule.

The Zoning Commission -

The Zoning Commission held a public hearing on December 2, 2020 on the following application:

- a. **ZC-2020-269 Request for Text Amendments** to add new definitions to Section 2.2, expand Permitted and Conditional Uses listed in Section 3.4 Use Matrix,

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____

20____

- b. Reduce Commercial front-yard setbacks in Section 3.5 District Requirements and increase setback requirements for Commercial Zoning Districts that abut Residential Zoning Districts and lower maximum building height requirement in Manufacturing Zoning Districts. Add new Section 4.18 establishing Use Standards for Solar Field or Farm, modify Section 5.2.4 clarifying permitted accessory uses in the LBO Zoning District, modify Section 5.10.3.B. establishing parking space requirement for Athletic Fields, modify Section 5.10.4 clarifying parking lot setback requirements from property lines and cross-reference to Landscaping & Buffering Requirements of Section 5.8 and modify Section 6.4 clarifying wall signage requirements for commercial uses in residential zoning districts that was erroneously left out from a prior amendment. **Danbury Township, Applicant.**

The Commission recommends approval with a modification to "Storage Areas" identifying two different types. Ottawa County Regional Planning Commission recommended **Approval as Presented** on this case at their November 17, 2020 meeting.

Official receipt of this is enclosed and the Board will need to set a public hearing for this case prior to the start of your January 13, 2021 meeting for 5:30p.m. or 5:45p.m.

A letter is on its way in the mail from Richard Kracer submitting his intent to resign from the Zoning Commission. He became very ill due to Covid-19 and is now in Otterbein Care Facility. This means we will have a regular member position open on the Zoning Commission with a term set to expire 12/31/2023. We recently asked for Vito Kaminskas to move to an Alternate Member....he was not happy about this and asked that I let it be known that he would be agreeable to it with the understanding that he would like to eventually return to being a regular member. At this point, I'm fine with having Vito fulfilling Richard's term, but we have to understand that he is gone for 4-5 months. The other option would be to move Alternate John Basilone up, but he has only been on the Commission since February, for less than a year and is still learning – he has great knowledge of zoning, but has a lot of BZA background, which is different than ZC.

Enclosed are both the BZA & ZC's By-laws for your adoption. These have, in the past, been accepted by the Boards and ultimately adopted by the Trustees. The only changes being made are cross-references to the Zoning Resolution so they referenced the correct sections of the code. When the code was updated at the end of 2019, some of the section numbers changed, but those changes were missed for these documents. The Commission decided to hold off on their election of officers until they meet again due to the anticipated change of members on the Commission.

Department Updates

- KAD will be on vacation December 24th – January 1 and returning January 4th.

Violations/ Complaints:

ILLEGAL RENTAL:

None.

ILLEGAL CAMPERS:

None.

JUNK & DEBRIS:

1802 Bayview (Con't Scrapping, Junk & Debris – Christiansen) **On-going Monitoring for 2 years**

Bench Trial before Municipal Court was held 12.18.20 @ 11:00a.m. The Court withheld a finding of Guilty and we negotiated or offered a plea deal for both Missy & James to enter a "No Contest" plea in lieu and enter a diversion program. The terms of the diversion is that they have to be law abiding with the zoning regulations (no more junk & debris or scrapping) for a period of 2 years. Should they violate this condition, then there would be a hearing to determine if the situation warrants a guilty finding. If they are guilty of a subsequent offense, then they would be found guilty with no trial and subject to whatever sentence or fine would be decided. This will be removed from this reporting and only updated if there is a subsequent violation.

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

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held

20

for 09.30.20 at 8:30a.m. The defendants both plead Not Guilty to their charges and a bench trial is scheduled for October 26, 2020 at 1:00p.m. Bench trial before Municipal Court was scheduled for 10.26.20. @ 1:00p.m. We negotiated that they enter a diversion program where they can have no further violations for the next year. If they comply with this, then the charges will be dropped.

TALL GRASS:

None.

CONSTRUCTION WITHOUT PERMITS:

1614 Heritage (Covered Porch w/out Permit - Garrard)

CLOSED

Necessary permit was filed & issued 12.14.20.

Prior Info: While out on inspections 11.11.20, noticed covered porch being constructed on the front of the house without proper permits. Letter sent to the property owner asking them to make contact with the office by November 20, 2020. New contractor for owner contacted office morning of 12.07.20 and will be working on getting necessary permit paperwork in this week. 2nd Warning Letter was sent via Certified Mail 12.03.20 to the owner, giving them 7 days from the day they receive the letter to get the necessary permits. They have done more work since receiving their 1st warning letter. Building Department has been notified also.

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

Open

As of 11.18.20 Owner has made an offer to purchase the additional land he needs for the shed from the family business. Awaiting to see if they will accept the offer and allow the transfer to go through.

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

Zoning Items for January 13, 2021 Trustee Mtg.:

- Special Hearing prior to for Text Amendments
- Zoning Annual Report
- Abandoned Building Discussion
- Complaint Violation Discussion
- R-C to R-3 Discussion

Rescheduled

- Dilapidated structures and nuisance discussion
- Public hearing for Case #2020-269 Wednesday January 27th 2021

Permits

To-date this month there has been 3 permit applications submitted/processed totaling \$ 870.00 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals -

The BZA will hold an adjudication hearing January 20, 2021 via Zoom on the following cases:

- a. **BZA-2021-001 2380 N. Buck Road.** Request for an Area Variance from Section 5.2.1.B & Section 5.2.1.C.ii to allow for a 10' x 10' shed to encroach into the south, front-yard setback (5' proposed/ 20' required). **Tom Beercheck & Jennifer Brown, Owners/ Applicant.**

The BZA held election of officers. For 2021, Mr. Joseph Fetzer will serve as Chair, Ms. Loretta Grentzer Vice-Chair and Ms. Lisa Bauer Secretary. The Board also accepted the by-laws and meeting schedule.

The Zoning Commission -

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

20

Due to my mistake and failing to get the legal notification to the newspaper in time, the text amendment case will be held at the Trustee's next meeting on January 27, 2021 at 5:45p.m.

- a. **ZC-2020-269 Request for Text Amendments** to add new definitions to Section 2.2, expand Permitted and Conditional Uses listed in Section 3.4 Use Matrix, Reduce Commercial front-yard setbacks in Section 3.5 District Requirements and increase setback requirements for Commercial Zoning Districts that abut Residential Zoning Districts and lower maximum building height requirement in Manufacturing Zoning Districts. Add new Section 4.18 establishing Use Standards for Solar Field or Farm, modify Section 5.2.4 clarifying permitted accessory uses in the LBO Zoning District, modify Section 5.10.3.B. establishing parking space requirement for Athletic Fields, modify Section 5.10.4 clarifying parking lot setback requirements from property lines and cross-reference to Landscaping & Buffering Requirements of Section 5.8 and modify Section 6.4 clarifying wall signage requirements for commercial uses in residential zoning districts that was erroneously left out from a prior amendment. **Danbury Township, Applicant.**

The ZC held election of officers at their January 6, 2021 meeting. For 2021, Mr. Michael Brown will serve as Chair, Ms. Susan Dress, Vice-Chair and Mr. Robert Strauss, Secretary. The Board also contributed \$100.00 to Mr. Kracer's charity of choice and signed a sympathy card that was sent to Mrs. Kracer.

Department Updates

A copy of the Zoning Departments Annual report for 2020 will be provided at the January 27th meeting, but highlights include:

- 39 BZA Cases (31 in 2019)
- 6 ZC Cases/ 5 Heard (6 in 2019)
- 300 permits issued (239 in 2019; 61 more)
- 31 New SF Home permits (27 in 2019)
- 10 New Commercial Structures & 2 Additions for a total of 63410s.f. (11 and 50,984s.f. in 2019)
- 8,939 Calls, emails, office visits
- 1,087 site visits (Inspections and Violation follow-ups)
- 67 Violation letters
- 2 abatements for tall grass and 3 Municipal Court proceedings.

Violations/ Complaints:

ILLEGAL RENTAL:

None.

ILLEGAL CAMPERS:

None.

JUNK & DEBRIS:

None.

TALL GRASS:

None.

CONSTRUCTION WITHOUT PERMITS:

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

Open

The owner called 01.11.21 and said that his family is refusing to sell him the additional land needed for the shed. He is scheduled to meet with his attorney on 11.12.21 to see if they can come up with some sort of other agreement or temporary easement.

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. Owner is actively working on getting the necessary paperwork in order. As of 11.18.20 Owner has made an offer to purchase the additional land he needs for the shed from the family business. Awaiting to see if they will accept the offer and allow the transfer to go through.

Zoning Items for January 27, 2021 Trustee Mtg.:

- Special Hearing prior to for Text Amendments
- Zoning Annual Report

RECORD OF PROCEEDINGS

Minutes of

DANBURY TOWNSHIP BOARD OF TRUSTEES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held _____ 20____

- Abandoned Building Discussion
- Complaint Violation Discussion
- R-C to R-3 Discussion

Old Business

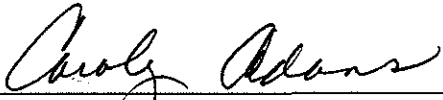
- Ms. Rozak spoke with Ariens' family about Township acquisition of property.

New Business

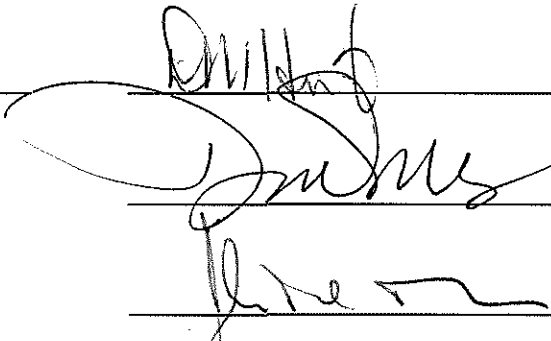
- Morgan White Group renewal contract. 4/1/2021 – 3/31/2022
- Zoom Meeting with Ashley Group February 2.
- Review and sign BWC form 300AP (year end summary of illness and injury)
- Review and sign 2020 Department Inventories.

Fiscal Business

Mr. Hirt motioned payment of bill and payroll in the amount of \$119,851.77, Ms. Rozak seconded. Roll Call: all voted yes.



Fiscal Officer



Danbury Township Board of Trustees