

RECORD OF PROCEEDINGS

Minutes of

Meeting

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

May 12, ²⁰21

Trustee Hirt called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Roll call: Trustee Dress, Trustee Rozak, and Trustee Hirt. Fiscal Office Assistant Susan Dress, Fiscal Officer Carolyn Adams and Assistant Fire Chief Almendinger were also in attendance. Mr. Dress moved approval of April 28th meeting minutes, Ms. Rozak seconded the motion, all voted aye.

Correspondence

- Linda Gayer thanked the police department for their service

Roads

- Sackett Cemetery two cremation burial
- Reclamite will be applied to Lightner Road, Thursday, May 13th, weather permitting
- Mowing and maintain our roads and parks has been the primary focus the last few weeks.
- The last of the Saturday Mulch distributions will be Saturday May 15 from 8AM-12 Noon.
- Marblehead Lions Club has graciously donated some new grills and a bench for our parks

Police

Chief Meisler reported 301 incidents for the month of April. To date in May the count was 92 incidents.

Catawba Security installed the two extra surveillance monitors and cameras. Everything is working well.

Three Officers will be attending the Ottawa County Police Officers Memorial Service tomorrow (May 13th) at 11:00 A.M. The service was held by Carroll Township Police Department.

Fire

Mr. Hirt motioned the termination of Chris Bogart from the Fire Department roster. Ms. Rozak seconded the motion. Roll call all voted yes

Fire & Ems Run Details					
EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid
5-01-2021	63	5	0	6	2
Year to date	216	9	4	22	3
Total	254				

*Motor Vehicle Crash(s)

** Alarm Activation(s)

***Carbon Monoxide Investigation(s)

Zoning

30 permit applications were processed for the **month of April** totaling \$3,273.00 in collected fees.

- Accessory Building: 5
- Addition Permits
- Commercial: 1
- Residential: 6
- Appeals:
- Area Variance: 2
- Conditional Use:
- Deck: 4
- Dock: 1
- Fence: 1
- New SF Home: 3

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New Commercial Structure:	2
Other:	3
Refusal:	2
Signage:	
Swimming Pool:	
Text/Map Amendment:	
Total:	30

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held adjudication hearings April 21, 2021 via Zoom on the following cases:

- a. **BZA-2021-039** **Approved as Presented**
351 Cedar. Request for an Area Variance to Section 3.5 to allow a porch addition to encroach into the west, front-yard setback (0' proposed/ 5' required), the south, front-yard setback (0.5' proposed/5' required) and to Section 7.12.3.A to allow more square footage than permitted to be added onto a nonconforming structure [58.6% (990s.f.) proposed/ 20% (337.8s.f.) allowed]. **Terry Ross, Architect, Applicant/ Agent; William & Connie Nicholson, Owner.**

- b. **BZA-2021-052** **Postponed 1 month per applicant**
2071 Lattimore. Request for an Area Variance from Section 5.2.1.A.ii to allow for a garage addition resulting in the cumulative square footage of all accessory structures to exceed the allowable 1,200s.f. (1,957s.f. proposed). **Anthony Cesarespada, Owner/ Applicant.**

The Zoning Commission -

The Zoning Commission was to hold a work session on April 7, 2021 to begin the rezoning study from "R-C" to "R-3", but due to a family emergency, the Commission agreed to not open the meeting and hold off on the start of the discussions until May.

The Board of Trustees will hold a public hearing on the following case on April 14, 2021:

- a. **ZC-2021-020** **Denied**
8931 E. Harbor Road. Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0140782014622000 (Sec. 1, part of Lot 2) consisting of 4.98 acres. **William "Bill" Ziegen, Owner/Applicant.**

Department Updates

- None

Office Activity

During the month of April, the Department went on 37 site visits, responded to 812 calls, e-mails and in-person inquiries as follows:

- Outgoing 55
- Incoming 349
- Other
- Emails 408
- Violation Letters 1

Permits

To-date in May there has been 4 permit applications submitted/processed totaling \$153.03 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold adjudication hearings May 19, 2021 via Zoom starting at 6:00p.m. on the following cases:

- a. **BZA-2021-052**
2071 Lattimore. Request for an Area Variance from Section 5.2.1.A.ii to allow for a garage addition resulting in the cumulative square footage of all accessory structures to exceed the allowable 1,200s.f. (2,196s.f. proposed). **Anthony Cesarespada, Owner/ Applicant.**

- b. **BZA-2021-076**
237 Elm. Request for an Area Variance from Section 3.5 to allow a porch addition to encroach into the west, front-yard setback (1'10" proposed/ 5' required), and to exceed the maximum lot coverage (57.5% proposed/55% required). Also requesting a variance

RECORD OF PROCEEDINGS

Minutes of

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TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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May 12,²⁰ 21

from Section 7.12.3.A to allow more square footage added onto a nonconforming structure than allowed [20% (348.6s.f) allowed/ 159% (2,765s.f.) proposed] and Section 7.12.3.C to allow more than 75% of the floor area contained in the nonconforming structure to be demolished, removed, or structurally altered. **Yvette VanRiper & Anthony Mavrinac, Owners/Applicants; Terry Ross, Architect/Agent.**

c. **BZA-2021-087**

5601 E. Bayshore. Request for an Area Variance from Section 5.2.1.A.ii to allow for a pole resulting in the cumulative square footage of all accessory structures to exceed the allowable 1,200s.f. (1,596s.f. proposed). **Daniel Jadwisiak, Owner/ Applicant.**

The Zoning Commission -

The Zoning Commission held a worksession on May 5, 2021 to begin the rezoning study from "R-C" to "R-3" of residential subdivisions located in commercial zoning.

Department Updates

- None to Report at this time.

Violations/ Complaints:

ILLEGAL RENTAL:

242 Worthy (Illegal Rental – Erie Shores Ventures)

Open

Certified Letter sent 04/26/21 to owners notifying them to cease & desist renting the duplex for less than 30 days as advertised. To-date the letter has not been claimed despite notice being left by the post office. It is due to be returned as unclaimed starting 05.12.21. Once it is returned, the property and owners' local residence will be posted with the notice.

ILLEGAL CAMPERS:

None.

JUNK & DEBRIS:

None.

TALL GRASS:

7426 E. Bayshore (Tall Grass – Smecker)

Open

Complaint received 04/27/2021. Staff left a message with the property preservation company on 05.04.21. No response was received and the law firm who has filed a foreclosure action against the owner was contacted 05.06.21. The firm indicated they would be in touch with the property preservation company. Mr. Smecker passed away in October 2021 and the property is in limbo until the property is sold. This property and interested parties to it, were notified with their 1st & 2nd Warning last July and September. According to our violation policy, if there is a repeat offense within 6-12 months, the notices will not be repeated, and we can continue on with the violation steps where we left off. Since this would be the 3rd offense, the Trustee's have the ability to formally declare it a nuisance. If that is done, a title exam will be ordered, then all interested parties and lien holders will receive notice that they have 7 days from the date of receiving their letter to get the grass cut. If it is not cut within that timeframe, then we would be permitted to enter the property and cut the grass.

9955 E. Bayshore (Tall Grass – Burton)

Open

This property we assessed 2 times in 2020 because Mr. Burton passed away, no heir received the property and it is currently in a foreclosure proceeding and scheduled to be sold via Sheriff auction this month. The notice of the sale is included for your review. If the property is not sold to a private party and is conveyed back to the bank, it could take weeks for the property to get through their system and onto a property preservation company's regular schedule. Should the Trustees pass the resolution declaring it a nuisance, all interested parties and lien holders will receive notice that they have 4 days from the date of receiving their letter (because it is a repeat offense) to get the grass cut. If it is not cut within that timeframe, then we would be permitted to enter the property and cut the grass. After June 24, 2021, if there is further offenses, the notification process has to start over because it's been 1 calendar year since the initial resolution was passed.

1935 Ellsworth (Tall Grass – Brown)

Open

This property is a regular, annual repeat offender. A Warning Letter was sent in July 2020. A 2nd Notice has been sent via certified mail on 05.07.21.

RECORD OF PROCEEDINGS

Minutes of

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TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

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May 22, 21

10038 Bayshore (Tall Grass – Matusiczky)

Open

In 2019 we worked with the family to get some junk vehicles off the property, a dilapidated shed removed and some general clean-up of the property. However, the grass is now over 12" now and a Warning Letter was sent to the descendants of the property 05.07.21.

CONSTRUCTION WITHOUT PERMITS:

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

Open

Letter is going to have to be sent to the owner asking them to remove the shed.

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. 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. Owner has reached an agreement with his family to essentially set up an easement agreement, which will allow him to use the land for the shed. According to his attorney is should all be signed and recorded by the end of 1/27/21 week. Nothing new at the time of reporting. KAD has called Mr. Tibbels & his attorney asking for an update, but neither have returned her call. Apparently Mr. Tibbels siblings are refusing to agree to the latest agreement presented to them. I told Mr. Tibbels that we may need to just get the shed moved or removed so there is no longer an outstanding violation.

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

RESOLUTION 11-2021

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 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.

RECORD OF PROCEEDINGS

Minutes of

Meeting

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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May 12, ²⁰ 21

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

Mr. Hirt introduced the following resolution and moved its adoption:

RESOLUTION NO. 12-2021

**A RESOLUTION DECLARING THE PROPERTY OWNED BY
DENNIS W. SMECKER, LOCATED AT
7426 E. BAYSHORE ROAD (PIN# 0141137515241000)
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 Dennis W. Smecker, and located at 7426 E. Bayshore Road, (PIN# 0141137515241000), 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 Dennis W. Smecker, and located at 7426 E. Bayshore Road, (PIN# 0141137515241000), 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

RECORD OF PROCEEDINGS

Minutes of

Meeting

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held May 12, 21

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. 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 12th day of May, 2021.

Mr. Dress introduced the following resolution and moved its adoption:

RESOLUTION NO. 13-2021

**A RESOLUTION DECLARING THE PROPERTY OWNED BY
WALLY WOWK & MARIANNE GEDEON, LOCATED AT
140 TIBBELS (PIN# 0142030032207000 & 0142030032208000)
IN DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO,
A NUISANCE AND ORDERING ABATEMENT**

PREAMBLE

WHEREAS, the Danbury Township Board of Trustees (the "Board") has found the property owned by Wally Wowk & Marianne Gedeon, and located at 140 Tibbels, (PIN# 0142030032207000 & 0142030032208000) Lot 2 of Tibbels Allotment Subdivision and real property, 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 Wally Wowk & Marianne Gedeon, and located at 140 Tibbels, (PIN# 0142030032207000 & 0142030032208000) Lot 2 of Tibbels Allotment Subdivision and real property, in Danbury Township,

RECORD OF PROCEEDINGS

Minutes of

Meeting

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

May 12²⁰, 21

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;
- 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

OLD Business

- Ms. Rozak discussed possible wet land acquisition.

New Business

Ms. Rozak moved Declaration as surplus unused file server and backup server:

- Seagate 2 Bay NAS 01 2 TB (File Server)
- Seagate 2 Bay NAS 02 2 TB (File Backup Server)
- Seagate external USB 1 TB Removeable Drive

Mr Hirt seconded the motion. Roll Call all voted yes.

Liquor permit transfer; Permit # 7631488, TREX, from the Marblehead Canoe LLC to RWT Holdings LLC. Trustees indicated they have no objection.

Fiscal Business

A motion by Mr. Dress and seconded by Ms. Rozak to approve the payroll and bills totaling \$53,096.67 for the period 4/29 – 5/12. Roll call was unanimous and motion carried.

Mr. Dress motioned acceptance of the March bank reconciliation, seconded by Ms. Rozak Roll call was unanimous. There being no further business before the Board, Mr. Hirt moved and Ms. Rozak seconded a motion to adjourn at 7:15 p.m.

RECORD OF PROCEEDINGS

Minutes of

Meeting

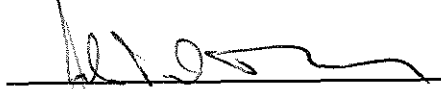
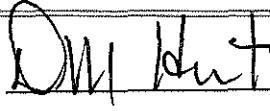
TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

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May 21, 21

Fiscal Officer



Danbury Township Board of Trustees