

RECORD OF PROCEEDINGS

Minutes of

Meeting

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held _____ June 9, 20 21 _____

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. Fire Chief Kahler was also present. Ms. Rozak moved approval of May 26th meeting minutes, Mr. Dress seconded the motion, all voted aye.

Correspondence

- Vintage Plane & Car Show 7/24 at the Erie Ottawa International Airport
- OPERS certifies Local Rates for Ohio Public Employees Retirement contribution rates
- Ohio Department of Administrative Services has named Katrina Flory as new interim State Chief Information Officer and head of Office of Information Technology
- Notification of postage rate increase.

Roads

- Sackett Cemetery two cremation burials
- Major NE Storm clean-up
- The Athletic complex is in full swing with several games & practices every night
- Mowing and maintaining Roads, Parks and Township Buildings
- Annual Fire extinguisher inspection is tomorrow for all Township buildings and vehicles including the Police Department.
- Joel Hogue has been cleaning up litter from road right of ways. We Thank Him!

Police

Chief Meisler wanted to thank members of the Fire Department, Brett, Jared and Danny for their help with the Bayshore Flooding May 28th. Chief also commended Mark Meisler, John Belcher, Vicki Good and Carolyn Demore for their service as well. Numerous calls came in between Noon and 4:00 PM. The Holiday and weekend traffic coupled with the road flooding, the Department had their hands full. To date no applications have been received for the Seasonal Officer position. For the month of May the department responded to 355 incidents. To date, 98 calls for service have been received.

Trustees reviewed and signed a leave of absence request for an employee who was injured while off duty, on a motion by Mr. Rozak, and seconded by Mr. Hirt. Roll call, all voted yes. The leave will follow the Township Policy and Procedures.

Fire

| | | Fire & Ems Run Details | | | | |
|--------------|------|------------------------|---------|-------|------------|---|
| EMS | Fire | MVC* | Alarm** | CO*** | Mutual Aid | |
| 06-09-2021 | 14 | 0 | 0 | 0 | 0 | 0 |
| Year to date | 311 | 19 | 7 | 28 | 2 | 4 |
| Total | 371 | | | | | |

*Motor Vehicle Crash(s)

** Alarm Activation(s)

***Carbon Monoxide Investigation(s)

Zoning:

Permits

25 permit applications were processed for the **month of May** totaling \$1,664.32 in collected fees.

Accessory Building: 6

Addition

Commercial:

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| | |
|---------------------------|-----------|
| Residential: | 2 |
| Appeals: | |
| Area Variance: | 3 |
| Conditional Use: | |
| Deck: | 3 |
| Dock: | |
| Fence: | 3 |
| New SF Home: | 3 |
| New Commercial Structure: | |
| Other: | 1 |
| Refusal: | 3 |
| Signage: | |
| Swimming Pool: | 1 |
| Text/Map Amendment: | |
| Total: | 25 |

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held adjudication hearings May 19, 2021 via Zoom on the following cases:

- a. **BZA-2021-052** **Approved as Presented**
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** **Denied**
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 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 Mavrinc, Owners/Applicants; Terry Ross, Architect/Agent.**
- c. **BZA-2021-087** **Approved as Presented**
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

Office Activity

During the month of May, the Department went on 125 site visits, responded to 700 calls, e-mails and in-person inquiries as follows:

- Outgoing 157
- Incoming 159
- Other
- Emails 384
- Violation Letters 7

Permits

To-date this month there has been 5 permit applications submitted/processed totaling \$229.79 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold adjudication hearings June 16, 2021 IN-PERSON on the following cases:

- a. **BZA-2021-110**
2494 Port Pleasant. Request for an Area Variance from Section 5.1.7 to allow for a covered patio awning to encroach into the front yard setback (17' proposed/ 20' required). **Loretta Grentzer, Owner/ Applicant.**

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b. **BZA-2021-111**

538 Plum. Request for multiple Area Variances, from Sec. 3.5 to allow a porch addition to encroach into the east, front-yard setback (0.5' proposed/ 5' required), Sec. 7.12.3.A to allow more square footage than allowed on a nonconforming structure [20% (331s.f.) allowed/ 153% (2,169s.f.) proposed], Sec. 7.12.3.C to allow more than 75% of the floor area of the nonconforming structure to be altered. Also requesting a Conditional Use in accordance with Sec. 3.4 to allow the property to be used as a two-family. **Scott Luebcke, Owner/Applicant.**

c. **BZA-2021-112**

2048 Robert. Request for an Area Variance from Section 5.12.1.B to allow a pool/spa to encroach into the west, rear-yard setback (0' proposed/ 5' required). **Andrew Lukcsó, Owner/ Applicant; Wm. Foster, Contractor/Agent.**

The Zoning Commission -

The Zoning Commission held a worksession on June 2, 2021 to continue discussions on the rezoning study from "R-C" to "R-3" of residential subdivisions located in commercial zoning. They have concluded their recommendations and I will now begin preparing information and maps for public open houses.

Department Updates

- None to Report at this time.

Violations/ Complaints:

ILLEGAL RENTAL:

242 Worthy (*Illegal Rental – Erie Shores Ventures*)

Monitoring

We continue to get calls and emails about this property. The owner has removed a large portion of their online listing and indicated that a college-aged daughter of one of the other co-owners is occupying the one unit this summer while working locally. When the property was posted 05.13.21, there was no one in either of the units. Received another complaint from someone different indicating fisherman were on the property at the time the message was received. I immediately drove to the property to observe, and again, there was no one on the property. Dianne has received concerns too regarding this property and the noise. The complainants have been advised to contact the police regarding noise.

Prior Info: 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. The properties were posted 05.13.21 and the owner called 05.14.21. Owner said they would correct the situation and remove the reservations from their website. As of 05.25.21 more complaints were received regarding the usage of the property and the website still needs work. Owner was called and told to get it done immediately. If we continue to get more complaints, then a citation may need to be issued with the Court.

ILLEGAL CAMPERS:

None.

JUNK & DEBRIS:

1365 Englebeck (*Junk & Debris – Carr*)

Open

Certified letter sent 06.07.21.

Prior Info: A complaint was received last year regarding the multiple junk vehicles on this property, which were promptly removed once they received our letter. We recently received an anonymous letter asking why the rest of the junk & debris that was uncovered once the junk cars were removed has not been removed yet. I will send another letter addressing junk & debris.

JUNK VEHICLES:

6380 E. Port Clinton Eastern (*Junk & Debris/Junk Vehicles – Lange*)

Open

Certified letter was mailed out 06.04.21 and claimed at the property 06.07.21. They will have 14 days to address the issue or another letter will go out.

Prior Info: Trustee Rozak left a note for me on my desk following your last meeting to send a "clean it up" letter to this property. I have not received a formal complaint from anyone about it and will send a letter.

TALL GRASS:

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7426 E. Bayshore (Tall Grass – Smecker)

CLOSED

Printy abated the property 06.01.21. Once the invoice is received from him, it will be reported to the County for the tax duplicate.

Prior Info: 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. All interested parties have been notified and signed for their certified letters. The property maintenance company responsible for upkeep emailed Carolyn asking why we posted the property. Clearly no one took the time to read the letter that was posted on the sign and to-date, the grass also has not been cut. They have until 05.26.21 to get it cut, otherwise Printy has already been made aware that it will be ready to cut thereafter.

9955 E. Bayshore (Tall Grass – Burton)

CLOSED

Printy abated the property 05.27.21. Once the invoice is received from him, it will be reported to the County for the tax duplicate. This is likely the last cut under the 10-2020 (June 24th) resolution and any future cuts will have to involve starting the process over, including a new resolution.

Prior Info: 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. All interested parties have been notified and signed for their certified letters. I ordered the cut 05.19.21 by texting, emailing, and sending Printy a letter in the mail. Printy didn't call me about it until 05.22.21 and as of 05.25.21 isn't sure he'll be able to get to it anymore this week.

246 Arman (Tall Weeds – Benko)

CLOSED

Certified letter was sent 05.27.21 and signed for 06.01.21. As of 06.07.21 the weeds have been cut down and removed.

Prior Info: Complaint received 05.25.21 regarding tall weeds behind a shed along the property line.

1935 Ellsworth (Tall Grass – Brown)

Open

Certified letters were sent to known parties of interest 05.27.21 and the property posted. All letters so far have been delivered. Unfortunately, the title company who tells us who all the lien holders are is very busy and have been delayed in getting this information back to me. I cannot order the cut until I know all interested parties have been notified, which could include a mortgage company, but I don't believe there is one on this property. If there are no lien holders, then the cut will get ordered right away. *** The biggest issue with this property is that the owner is deceased (10/2020), unmarried and no children. The property was not on a survivorship deed to his acquaintance or siblings and there has been nothing filed with Probate Department either here in Ottawa Co. or his permanent residence of Marion Co. The property is currently delinquent in property taxes. The taxes are \$337.47 for the full year. Before Ottawa County will even consider filing a foreclosure action on the property, they must be delinquent by \$2,500 – and even then, this would be at the bottom of the list because they go after those that are delinquent by the highest amount first. Point being, this property will likely be an ongoing issue for many years (could take 7 years just to meet the County's threshold for

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delinquent taxes). All the while, if taxes aren't being paid, we aren't going to recoup any assessments for abatement. I don't think we can ignore it, but I will be very, very choosy on how frequently a cut gets ordered for this property. I'm thinking no more than 3 times a season and maybe even just twice a season (beginning and towards the end). Unfortunately, the neighbors may not be happy about this, but I can't see justifying spending a lot of money on something we may not ever fully recoup.

Prior Info: 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. The initial certified letter came back as undeliverable. A 2nd certified letter was sent to another address we had available for the property owner. That letter also came back as undeliverable. The property was then posted 05.17.21 and to date has yet to be mowed. A resolution is enclosed for your consideration. Since the letter came back as undeliverable, we will likely be required to include a notice in the newspaper as well.

129 S. Bridge (Tall Grass – Thompson)

Open

Certified letter with 2nd Notice was sent 06.04.21. Is a repeat offender from 2020. Letter was received 06.07.21.

6869 E. Bayshore Road (Tall Grass – Willow Brook Dev, LLC)

Open

Complaint received 06.02.21. Certified 1st Warning Letter sent to owner 06.04.21.

217 Forest Green (Tall Grass – Schmardebeck)

Open

Complaint received 05.26.21. Certified 1st Warning Letter sent to owner 05.27.21 and was received 06.07.21. The DTPD did conduct a welfare check on the owner due to a history at the property and notified an adult son that the grass needs to be mowed. As of 06.07.21 the front yard has been cut, but the rear yard has not. A second notice will be sent if the rear yard is not addressed.

1500 S. Heritage (Tall Weeds – Bailey)

CLOSED

Grass was cut when I went out to take photos to document the length and prepare the letter. Prior Info: Received a phone inquiry about the property on how to complain. Complaint form was sent to person. Even if complaint is not received, I will likely send a letter cause it's a vacant property and every bit as bad as the Burton & Smecker properties.

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.

NW Corner Bayshore & Englebeck (Shed w/out Permit – Fien)

Open

Two sheds have been installed on the property without proper zoning permits. Multiple recreational vehicles and trailers stored on the property as well in violation of zoning storage requirements for agricultural property. Letter sent 06.07.21.

New Business

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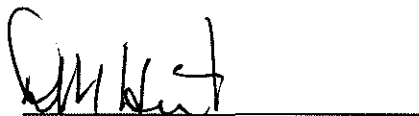
Ms. Rozak moved to reaffirm the trustee agreement to dispense with the requirement that a resolution be read on two separate days, and authorize the adoption of a resolution upon its first reading, in accordance with section 504.10 of the Ohio Revised Code. Mr. Hirt seconded the motion. Roll call all voted yes.

Fiscal Business

A motion by Ms. Rozak and seconded by Mr. Dress to approve the payroll and bills totaling \$168,999.38 or the period 5/27-6/09/21. Roll call was unanimous and motion carried. There being no further business before the Board, Mr. Dress moved and Ms. Rozak seconded a motion to adjourn at 7:00 p.m.



Fiscal Officer







Danbury Township Board of Trustees