

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held July 14, 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 and Fiscal Officer Carolyn Adams. Ms. Rozak moved approval of June 23<sup>rd</sup>. meeting minutes, Mr. Dress seconded the motion, all voted aye.

### Correspondence

- State Senator Theresa Gavarone provided a written report for the month of June.
- Amerigas will provide a wireless propane tank monitor at no charge
- Ottawa County Engineer's Office provided guidelines to applying for Ohio Public Works Commission funding.

### Roads

- Sackett Cemetery nothing to report
- Township Hall and the Police Department generators were installed and are operational
- The Department took delivery of the Chevy Silverado work truck and the International Snow Plow.
- The Athletic complex is in full swing with several games and practices every night.
- Mowing and maintaining Roads, Parks and Township Buildings continue.
- Friday punch list for the salt barn

### Police

The 2021 Chevy Tahoe Police Vehicles were delivered on July 8<sup>th</sup>. They will serve this community for several years. Chief thanked the Trustees for always supporting safe and reliable patrol cars for the Officers to work out of. They should be on the road by September. The Department was awarded the Drug Use Prevention Grant (D.A.R.E.) for the 2021-2022 school year. Chief Meisler will accept the award by the end of next week. During the month of June, the Department responded to 424 calls for service. To date in July, 214 incidents were responded to.

### Fire

	Fire & Ems Run Details					
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
7/14/2021	49	3	1	10	0	1
Year to date	414	24	11	40	2	5
Total	496					

\*Motor Vehicle Crash(s)

\*\* Alarm Activation(s)

\*\*\*Carbon Monoxide Investigation(s)

### Zoning

#### Permits

23 permit applications were processed for the month of June totaling \$1,363.86 in collected fees.

Accessory Building: 5  
 Addition  
     Commercial:  
     Residential: 4  
 Appeals:  
     Area Variance: 1  
     Conditional Use:  
 Deck:

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Dock:	
Fence:	4
New SF Home:	1
New Commercial Structure:	
Other:	3
Refusal:	1
Signage:	
Swimming Pool:	3
Text/Map Amendment:	1
<b>Total:</b>	<b>23</b>

**Board & Commission Activity**

The BZA held adjudication hearings June 16, 2021 on the following cases:

- a. **BZA-2021-110** **Approved as Presented**  
**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.**
  
- b. **BZA-2021-111** **Approved as Presented**  
**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** **Approved w/ Conditions**  
**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 Lukcso, Owner/ Applicant; Wm. Foster, Contractor/Agent.**

**The Zoning Commission -**

The Zoning Commission held a work session 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.

**Department Updates**

- New computer was delivered 06.22.21.

**Office Activity**

During the month of June, the Department went on 115 site visits, responded to 637 calls, e-mails and in-person inquiries as follows:

- Outgoing 122
- Incoming 110
- Other 71
- Emails 334
- Violation Letters 13

To-date this month there has been 8 permit applications submitted/processed totaling \$1,152.16 collected in fees and BZA balances.

**Board & Commission Activity**

**The Board of Zoning Appeals -**

The BZA will hold an adjudication hearing July 21, 2021 on the following case:

- BZA-2021-133** **583 Columbus Avenue.** Request for an Area Variance from Section 5.1.7 to allow for a shed to encroach into the south, front yard setback (12' proposed/ 20' required), east, rear-yard setback (1' proposed/5' required) and north, side-yard setback (1' proposed/5' required). Also, Area Variances from Section 3.5 to allow more lot coverage than permitted (45% proposed/ 40% required) and Section 5.2.1.C.ii to allow the accessory structure to be located closer to the principal structure than allowed (2' proposed/5' required). **Daniel Lippert, Owner/ Applicant.**

**The Zoning Commission -**

The Zoning Commission met July 7, 2021 and finalized recommendations and reviewed maps of recommendations before publicly releasing. Open Houses are scheduled for July 24 and August

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21 from 9a-11a in the meeting room here at the Hall. A brief presentation will be conducted at 9:30a.m.

The Ottawa County Regional Planning Commission will hold a hearing July 20, 2021 on the following case:

**ZC-2021-134 8931 E. Harbor Road.** Request for a Map Amendment from "A" Agricultural to "R-3" High Density Residential for PIN# 0140782014622000 (Sec. 1, part of Lot 2) consisting of 4.98 acres. **William "Bill" Ziegan, Owner/Applicant.**

### Department Updates

- The 3 grass abatements were reported to the Ottawa County Auditor's office on 07.07.21.

### Violations/ Complaints:

#### ILLEGAL RENTAL:

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

#### **Monitoring**

We received email and phone call complaints again over the 4<sup>th</sup> of July weekend regarding the continued renting of the units at this property. Advised the complainants that it was actively being pursued with the County Prosecutor's office. Prosecutor's office was supposed to conduct a knock at the property the weekend of 07.10.21 but did not, so they're filing charges based on inquiries made on availability.

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. 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. 06.18.21 Outreach has been made with the prosecutor's office. Conference call was held 06.21.21 with the Prosecutor's office to discuss next steps.

#### ILLEGAL CAMPERS/TRAILERS:

**8033 Terry Lane** (*Illegal Camper – Metro*)

#### **CLOSED**

Owner called and assured it's not being used and is just being stored there.

Prior Info: Letter sent to the property owner 06.10.21. House demo'd in spring 2021 and owner had been in contact about permitting for a new SF home but never submitted for permits and instead moved a camper onto the property. Will have to do a weekend drive-by to see if it is being used illegally for sure. May just be storing the camper on the property.

#### JUNK & DEBRIS:

**1365 Englebeck** (*Junk & Debris – Carr*)

#### **CLOSED**

Property looks the best it has in years and have done enough to close the complaint.

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. Certified letter sent 06.07.21. Owner received their letter 06.11.21 and have had a dumpster brought in. They are actively cleaning it up and have already made a lot of progress. They have until Friday, 06.25.21 to finish up, but will continue to monitor and allow them the time they need if more progress is happening.

**252 Springcrest** (*Junk & Debris – White*)

#### **Open**

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### JUNK VEHICLES:

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

**CLOSED**

Property looks much better than it did and a lot of the junk has been removed.

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. 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. Owner & Occupant both received their letters 06.11.21 & 06.07.21 respectively. Occupant called 06.17.21 and emailed photos of the vehicles on the property. Many do have current tags; they just were not visible. They do have a dumpster on the property and are actively cleaning up the property and it looks much better than it did.

### TALL GRASS:

**325 Forest Green** (*Tall Grass – Walterbach*)

**Open**

Certified Letter sent 07.13.21.

**7291 Applewood** (*Tall Grass – Huddleston*)

**Open**

Certified Letter sent 07.13.21.

**1505 Heritage** (*Tall Grass – Rakes*)

**CLOSED**

Grass cut as of 07.06.21.

Prior Info: Owner was sent a letter 06.11.21 and received 06.14.21. There is a section of grass they are not mowing along the neighboring property line. They have grasses on the property also for pheasants in the back. They indicated they were going to be out of town for a week, but would get it cut when they return and no later than 06.28.21.

**1935 Ellsworth** (*Tall Grass – Brown*)

**CLOSED**

Abatement/Assessment reported to Ottawa County Auditor's office on 07.07.21.

Prior Info: This property is a regular, annual repeat offender. A Warning Letter was sent in July 2020. A 2<sup>nd</sup> Notice has been sent via certified mail on 05.07.21. The initial certified letter came back as undeliverable. A 2<sup>nd</sup> 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. 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 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. Grass was abated by us 06.19.21. There is some debris that was in the rear yard that needed to be moved in order to cut. This will be loaded up and brought to the dumpster days the week of June 22<sup>nd</sup>.

### CONSTRUCTION WITHOUT PERMITS:

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

**CLOSED**

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CLOSED!!!! The siblings came to terms for the use of the Marina Property, recorded an agreement and Guy was issued his necessary permit 07.07.21.

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. Letter was sent to the owner 06.10.21 asking them to remove the shed or apply for necessary permits to relocate it onto their property. Owner dropped off draft agreement 06.19.21. Awaiting to get proof of the recording of the agreement.

### **720 Timber Lane (Deck w/out Permit – Wunder)**

#### **CLOSED**

Owner came in and received permit 06.30.21.

Prior Info: Owner contacted 06.09.21 regarding a deck built around their 2020 permitted above-ground pool. Owner never came in to get permit even though he said he would. A formal letter has been sent.

### **5833 Mystic Bay Blvd. (Fencing w/out Permit – Gore)**

**Open** Letter sent to the property owner 06.29.21 giving them until 07.09.21 to pull necessary permit. Owner failed to contact our office, so a certified letter was sent out 07.12.21

### **2048 Robert (Deck & Spa w/out Permit – Lukcso)**

#### **Open**

Stop Work Order was issued 07.12.21 when a construction crew was on-site. Owner has received partial permits but has not received any from the County and have not met any conditions of approval by the BZA. The lead contractor is failing to return calls or respond to emails by my office or the homeowner.

### **4350 E. State Road (Shed w/out Permit – Wagner)**

#### **Open**

Letter sent to the property owner 07.12.21 giving them until 07.23.21 to pull necessary permit.

## **New Business**

- Trustees reviewed the Fall Newsletter draft.

## **Open Houses for Rezoning Study**

Please join us for an Open House on either **Saturday, July 24, 2021** or **Saturday, August 21, 2021** between **9:00a.m. - 11:00a.m.** in the Township Hall Meeting Room to hear about the 2021 Rezoning Study to protect Residential neighborhoods from Commercial development. A formal presentation will be provided at 9:30a.m. There are 12 areas under consideration to change the zoning classification from "R-C" Recreational Commercial to "R-3" High Density Residential. These include:

**Area 1:** Cove-on-the Bay (Whitlock Way & Amherst), Marblehead Estates (Harbor Bay Drive & Waterside Drive) and 2965 & 2981 S. Danbury North Road.

**Area 2:** Danbury Cove (Bristol & Dorchester) and 2259, 2279, 2289, 2299, 2309, & 2365 Meter Road.

**Area 3:** Part of Galley's Landing (S. Side of E. Bayshore Road, east of Church), Bayview Shores (Long Point Circle & Sunview Drive) and 6796, 6814, 6820, 6826, 6860, 7070, & 7072 E. Bayshore Road.

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Area 4: North Part of Zeller's Beach (Willard, Central, & Ellsworth).

Area 5: Willow Cove (Harborview Dr., Willow Cove Dr., & Napama), Lattimore Acres (Lattimore Drive), Emerald Shores (Emerald Shores Drive), South Side of Avalon-on-the-Bay (Arlington Drive, Avalon Park, Bayview Drive), Cottages at Marblehead and 9518, 9822, 9635, 9637, 9679, & 9695 E. Bayshore Road.

Area 6: Part of Saylor & Koontz (Saylor Street, Nan Avenue & Robert Avenue).

Area 7: Part of West Harbor Landings (5465, 5474, 5547, 5555 & 5563 Constitution Blvd. and 5540 Windjammer).

Area 8: Harbor's End Condominiums, Harbor Cove Condominiums & Part of Regatta (Regatta Passage).

Area 9: Part of Channel Grove 1<sup>st</sup> Addition (west side of Channel Grove).

Area 10: Part of Rockport (waterfront lots).


Area 11: Part of Commodore (2220, 2230, 2240 & 2250 Commodore Court).

Area 12: Part of Perryview Estates VII (Wilderness, Evergreen Drive & 185 Forest Green).

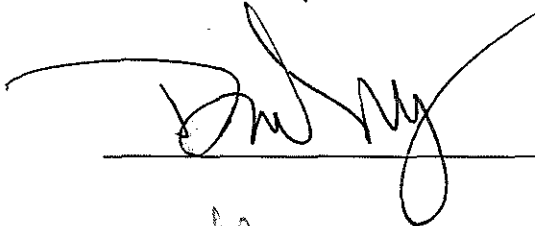
### FISCAL BUSINESS

- A motion by Ms. Rozak and seconded by Mr. Dress to approve the payroll and bills totaling \$487648.55 or the period 6/24 – 7/14/2021. Roll call was unanimous and motion carried. Ms. Rozak moved, contracting with The Standard Insurance Company, to assume tax payment and filing liabilities on the Short Term disability claims. Mr. Hirt seconded the motion. Roll Call all voted yes.

Mr. Hirt motioned acceptance of the May and June bank reconciliations, seconded by Ms. Rozak. Roll call was unanimous. There being no further business before the Board, Mr. Dress moved and Ms. Rozak seconded a motion to adjourn at 7:20 p.m. All voted yes.

  
\_\_\_\_\_  
Fiscal Officer

  
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Danbury Township Board of Trustees