

RECORD OF PROCEEDINGS

Minutes of

TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ **December 8,** _____ 20 **2021**

Trustee Hirt called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Roll call: Trustee Dress, Trustee Hirt, Trustee Rozak, Fiscal Office Assistant Susan Dress, Fiscal Officer Carolyn Adams, Road Superintendent Brett Waldron were present. Mr. Dress moved approval of the November 22nd. meeting minutes, Ms. Rozak seconded the motion, all voted aye.

Correspondence

- Notification from Star Ohio regarding phishing emails sent to clients
- State Senator Theresa Gavarone sent a report updating State House business.
- Ottawa County EMA 2021-2022 Preparedness Information.

Roads

- Sackett Cemetery no burials.
- Two minor snow events
- Winterization of parks continue
- Brush collection site will close December 17th

An estimate was received from Judco Inc. for a Salt Dogg Stainless Steel salt spreader to increase department efficiency. After discussion, Ms. Rozak moved approval of the equipment purchase at \$10,800.00 Mr Hirt seconded. Roll Call Mr Dress YES, Ms. Rozak YES, Mr. Hirt YES. The replacement windows, previously purchased, will be installed next summer in the meeting room.

Police

The month of November 254 incidents were recorded. To date in December there have been 71 incidents reported. The Attorney General's office is requiring that all Police Officers complete 24 hours of continuing Professional Training (CPT) in 2022. The AG's Office will reimburse us at 50% of the Officers' salaries once the virtual training is complete.

Fire

Chief Kahler provided a quote for bunk room furnishings for the fire station at \$13,938.68. Ms. Rozak moved approval and Mr. Dress seconded the motion. Roll Call Mr. Dress YES, Ms. Rozak YES, Mr. Hirt YES.

Chief Kahler also provided a quote from American Fitness for workout equipment at a cost of \$11,323.00. Ms. Rozak moved approval and Mr. Hirt seconded the motion. Roll Call Mr. Dress YES, Ms. Rozak YES, Mr. Hirt YES.

Fire & Ems Run Details					
EMS	Fire	MVC*	Alarm**	CO***	Mutual Aid
12/08/2021	16	0	2	0	0
Year to date	785	40	75	5	7
Total	928				

*Motor Vehicle Crash(s)

** Alarm Activation(s)

***Carbon Monoxide Investigation(s)

Zoning

Permits

21 permit applications were processed for the month of November totaling \$1,981.56 in collected fees.

Accessory Building:
Addition

Commercial:
Residential:

3

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Appeals:	
Area Variance:	2
Conditional Use:	1
Deck:	1
Dock:	
Fence:	3
New SF Home:	5
New Commercial Structure:	1
Other:	2
Refusal:	3
Signage:	
Swimming Pool:	
Text/Map Amendment:	
Total:	21

Board & Commission Activity

The BZA held adjudication hearings November 17, 2021 on the following cases:

- a. **BZA-2021-243**
Approved as Presented
8280 Gravel Bar. Request for an Area Variance from Section 5.1.7 to allow for a rooftop deck to encroach into the west, side-yard setback (1' proposed/ 5' required). **Douglas Hastings, Owner/Applicant.**
- b. **BZA-2021-244**
Approved as Presented
635 Walnut. Request for an Area Variance from Section 3.5 to allow for a front porch addition to encroach into the required west, front-yard setback (5' required/2'4" proposed). **Robert & Katherine Kretschmann, Owner/ Applicant; Terry Ross & Jerry Kretschmann, Agents.**
- c. **BZA-2021-249**
Approved as Presented
409 Sycamore. Request for an Area Variance from Section 5.10.3.A.i to allow for the elimination of a parking space and allow for only 1 parking space where 2 spaces are required. **Doug & Nancy Adams, Owner/ Applicant; Dan Carroll, Contractor & Terry Ross, Architect, Agents.**
- d. **BZA-2021-251**
Denied
432 E. 2nd Street. Request for an Area Variance from Section 7.12.3.B to allow for the nonconforming house to be moved and placed back in its same location as opposed to being lifted in place. **David & Meredith Workman, Owners/ Applicants; Tom Dearth, Contractor/Agent.**
- e. **BZA-2021-252**
Approved as Presented
8931 E. Harbor Road. Request for a Conditional Use in accordance with Section 3.5. & 4.7 to allow for the existing property to come into legal compliance as a 6-unit multi-family property. **William Ziegan, Owner/Applicant.**

The Zoning Commission -

The Zoning Commission Meeting for November 3, 2021 was cancelled as there were no cases or items for discussion.

The Board of Trustees held a public hearing November 10, 2021 regarding the Rezoning Study, which was approved.

Department Updates

- Nothing new to report.

Office Activity

During the month of November, the Department went on 95 site visits, responded to 480 calls, e-mails and in-person inquiries as follows:

- Outgoing 67
- Incoming 70
- Other 66

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- Emails 277
- Violation Letters 1

Permits

To-date this month (December) there has been 3 (+1 BZA case for 2022) permit applications submitted/processed totaling \$305.11 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA will hold adjudication hearings December 15, 2021, on the following cases via Zoom:

a. **BZA-2021-267**

5677 E. Bayshore Road. Request for a Conditional Use in accordance with Section 3.5 & 4.2 to permit the use of the structure as a Bed & Breakfast. **Daniel J. Jadwisiak, Owner; John & Carrie Tucholski, Agents/ Applicants.**

b. **BZA-2021-269**

2149 Willow Cove. Request for an Area Variance from Section 5.1.7 to allow for a new house to connect to an existing garage with a 4' east, rear-yard setback where 5' is required and to Section 3.5 to allow more lot coverage than permitted (43.8% proposed/ 40% required). **David Wyderka & Mary Ann Pressler, Owner/ Applicant.**

c. **BZA-2021-270**

423 Maple Avenue. Request for an Area Variance from Section 3.5. to allow for an addition onto the existing house to encroach into the north, side-yard setback (2' proposed/ 3' required). **George & Diann Tyler, Owners/Applicants.**

The Zoning Commission -

The Zoning Commission met December 1, 2021 to approve minutes from October and to hold their election of officers for the 2022 year. Officers will remain the same with Mike Brown as Chair, Susan Dress as Vice-Chair and Robert Strauss as Secretary.

Would ask that the Board of Trustees re-appoint Clyde Shetler as a regular member on the BZA for a term to expire 12/31/2026. Also, to re-appoint Jodi Kopanski as a regular member on the ZC for a term to expire 12/31/2026.

Department Updates

- The office will be closed Friday, December 24 thru Friday, December 31, 2021, for the week between Christmas & New Years.

Violations/ Complaints:

ILLEGAL RENTAL:

242 Worthy (Illegal Rental – Erie Shores Ventures)

Monitoring

A "Change of Plea" hearing is scheduled for 12.10.21 at 10:45a.m.

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. We received email and phone call complaints again over the 4th of July weekend regarding the continued renting of the units at this property. Advised the complainants that it was actively

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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 are filing charges based on inquiries made on availability. Complaint was filed with Municipal Court on 07.20.21. Case # CRB2100684A. Arraignment Hearing scheduled for 08.18.2021 @ 8:30am. Received a phone call from Rich Gillum 08.06.21 who will apparently be representing the defendant and indicated that they may waive arraignment and ask for a bench trial. 08.12.21 Defendant entered written Not Guilty Plea, filed a request for discovery, to waive arraignment appearance and requested a pre-trial and jury. Arraignment for 08.18.21 was cancelled. 09.27.21 a neighbor reported that renting of the unit is still occurring despite charges being filed with the Court. The Prosecutor's Office has been made aware. A Pre-Trial Hearing has been scheduled for 10.22.21 at 9:30a.m. Pre-Trial Hearing was held 10.22.21. The defendant was late to the hearing, no actual 'hearing' per se took place, but rather negotiations between the Defendant's lawyer and Prosecuting Attorney. Ultimately a second pre-trial will be held. A date has not been established yet.

5644 E. Harbor Road (Illegal residence – Former Shepherd Canvas)

Open

Nothing new to report.

Prior Info: This is not an illegal rental in the traditional sense of short-term. 09.01.21 the CBO and I inspected the former Shepherd Canvas per the request of a tenant. The shop at the back of the property has been converted illegally into an apartment. Certified letter was sent to the property owner 09.07.21. Property owner picked up their letter 09.22.21 and contact the zoning office immediately. Staff is working with the owner to get the necessary paperwork, reviews and inspections in order to make the property legal. Owner had inspection with Building Department 10.01.21 to find out what was needed to make the unit a legal residence. The property owner was scheduled to have a second inspection conducted 10.20.21 of the upstairs unit in the front building. Owner also said that as of 10.07.21, the tenant in the rear structure and unit that was created illegally was to move out within a few days, however, to-date, it appears as though someone is still living in the unit. As of 10.27.21 the owner was trying to get an electrician to come out and quote what it would take to bring the rear building into compliance with the Building Code for residential. The tenants in the meantime are to be completely moved out by November 5, 2021. The owner still needs an inspection of the upstairs unit in the front building. Owner reported 11.18.21 that the residential tenant from the rear building is gone and he is marketing that the space is available for commercial use. He has not had the front units inspected yet by the building department, but the upper unit is currently vacant.

311 Steele (Illegal Rental – Hedges)

Open

The owner reached out 12.02.21 and stated she had received her "punch list" from the County on what was needed to make the unit comply with Building Code and she has been provided what she needs from the zoning end to make it legal also.

Prior Info: Certified letter was sent to the property owner 10.07.21 regarding illegal conversion of garage attic space into a dwelling and then renting it via AirB&B. Notice left 10.09.21 that letter can be picked up. Owner claimed letter 10.12.21 and reached out via email the next day. Owner also received a violation letter from the Building Department and had some paperwork she needed to file with them, which she has submitted to them, but has not been back in touch in regards to the zoning matters. 11.02.21 owner was contacted and asked to provide an update since nothing has been done on the zoning side. Inspection with Building Department is scheduled for 11.05.21. As of 11.12.21 owner stated the inspection had been completed and she was waiting on the "punch list" from the Building Department as far as what would be needed to bring the space into compliance with the Building Code.

ILLEGAL CAMPERS/TRAILERS:

JUNK & DEBRIS:

122 Strause (Junk & Debris, Junk Vehicles & Boat - Hurst)

Open

Nothing major to report. They have not made as much progress as I had hoped but as of 12.01.21 there is a bobcat on the property that appears to be assisting in some clearing of the vacant lot and loading junk into. As of 12.07.21 there has been 1 vehicle removed from the vacant lot and nothing has been done to the house lot.

Prior Info: Complaint received 09.13.21 regards the junk and debris on this property. Certified letter was sent to the property owner 09.17.21. I met with the Ottawa County Health Department that day also to determine if any joint effort could be taken on the condition of this property. There are certain items they said that would kick EPA into joining in, but this property didn't have those items. Also, the OCHD representative said that they tend to be more willing to go after properties where someone is living on it as opposed to vacant and abandoned properties. Certified Letter was

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returned as unclaimed. Letter was resent via regular mail 10.07.21. Owner called 10.19.21 and said he was coming up 10.25.21 to work on cleaning the property up. Told him I expected to see a lot accomplished, and we would touch base again by 11.01.21 to see how far he gets and what more needs to be done. Owner contacted 11.01.21 since he did not show up when he said he'd be there. Apparently had some medical issue and now says he will be coming 11.11.21. Some grass on the vacant lot across the street was mowed 11.08.21. As of 11.12.21 the vacant lot had been mowed and cleared better in order to access the junk, but all of the junk and vehicles are still on both properties. Nothing more appears to have been accomplished, and certainly not as much as he said would get done. Owner stated 11.19.21 he was still in the area and would be continuing to work on over the weekend.

TALL GRASS:

7291 Applewood (*Tall Grass – Huddleston*)

Open

Nothing new to report.

Prior Info: Certified Letter sent 07.13.21. Being returned with no forwarding address. Property was posted 07.21.21 because it was confirmed that a woman & child are living in the home. Will have until 07.28.21 to remove weeds & tall grass in rear yard. Letter also asked them to address their dilapidated fence. Occupant called 07.27.21 and stated she is on land contract to purchase the property. Discussed getting the grass & weeds dealt with over the weekend of 07.31.21 and will check back in by 08.06.21 to give her a chance to look into options for the fence. Upon reinspection 08.06.21, grass and weeds have all been addressed and there is a small dumpster on the property for other clean-up. Will recheck with occupant after Labor Day to see when fence repair will actually take place. Contractor told her he couldn't do it for 3-4 weeks. Owner called 08.07.21 and left a message for her to return my call. Owner returned my call 09.13.21 and asked for an extension on the fence until the end of October. I called her back and left a message with her that I would give her until October 1, 2021, to deal with the fence and if an extension is needed longer than that, then I want to speak to the person fixing/repairing her fence directly to have a better understanding of the timeframe they think they can get it taken care of and why it's taking so long. Occupant was called 10.05.21 since nothing has taken place with the fence. Occupant said someone was supposed to be out 10.06 & 10.07 to remove the old fence and install the new fence 10.08.21. As of 10.08.21 some fencing materials have been delivered to the property, but the old fence was not removed. Occupant was contacted again 10.22.21 asking for an update since nothing has taken place since 10.08.21 when fencing material was delivered to the property. As of 10.26.21 some of the dilapidated fencing has been removed. Some of the fencing was removed 10.26.21. New fencing has started to be installed. There is a section of fencing I'd still like to see be removed but there isn't enough material on the property to be removing it and replacing it. The owner/occupant refuses to answer the phone when I call to be able to discuss what her timeline is. Left message with occupant 11.18.21 asking for an update. East fence is complete. South fence facing Applewood still needs addressed but there isn't enough material on the property to indicate that it will be taken care of.

CONSTRUCTION WITHOUT PERMITS:

5686 E. Harbor Road, Unit C24 (*Illegal Residential Occupancy – Audiano*)

Open

The Prosecutor's Office sent out a letter on behalf of the Building Department but told the Building Department that they wanted to send separate letters for the other departments. On December 2, 2021 I sent an email to the Prosecutor's office requesting that they also send a letter on behalf of zoning. I have not heard back from them.

Prior Info: 09.27.21 we received notice from the Ottawa County Sanitary Engineer's office about a joint meeting with other County agencies to discuss a storage unit in Safe Harbor Development that has been illegally converted into a residence without proper permits. Joint meeting was held 09.30.21. Certified Letter was sent to the property owner 09.30.21. Notice left 10.04.21 that letter can be picked up. Certified Letter returned as unclaimed. Letter was resent via regular mail 10.19.21. The owner has not made any contact with us. Waiting on County to coordinate how this will proceed and if any action will be taken by the Prosecutor's Office on behalf of everyone.

425 Walnut (*Fence w/out Permit – Slager*)

Open

Upon inspections in Lakeside 12.01.21 it was found that this property owner is installing a fence without proper zoning permits or Lakeside review and is in violation of many sections of the zoning regulations. Letter was sent to the property owner 12.03.21.

DEMO UPDATES:

• **4950 E. Bayshore** (Shupp):

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Continues to work on the house and make progress.

• **1070 Englebeck** (Brito):

Owner appears to have excavated a little around the house in preparation for a foundation, but not a lot of progress has been made.

• **8615 & 8625 E. Bayshore** (Taylor):

Owner was at your meeting 11.10.21 and indicated she would get a back window replaced by Christmas. To-date nothing more has been done to the back of the structure nor has any of the construction debris been removed, but the front appears to be complete including the re-installation of the gutter and connections of downspouts.

LAKESIDE MATTERS:

177 Kenton Road (*More than 75% removal, alteration of NC Structure - Gehrlein*)

Open

Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. The entire second floor of the structure is being altered, which was not approved and specifically noted that said work was not covered under the permit issued. Additionally, a new garage footer has been poured without the necessary zoning permits and no Building permits have been issued for any of the work taking place at the site. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021.

351 Cedar (*More than 75% removal, alteration of NC Structure - Nicholson*)

Open

Upon inspections in Lakeside 12.01.21 it was found that this house has voluntarily demolished, removed or structurally altered more than 75% of the floor area contained in the nonconforming structure. Additionally, the entire roof has been removed from the structure. A formal Stop Work Order letter was sent to the owner, architect and contractor 12.02.21. At this point, their only options are to move the entire house into compliance or apply for a variance to exceed the 75% and allow the house to remain where it is. The next available BZA hearing for them to get on isn't until January 19, 2021. The only work they are being allowed to complete is the construction and installation of the roof and shingles by December 23, 2021 to protect the integrity of the structure's interior and work completed to this point.

OTHER:

9268 E. Bayshore (Red's Tavern/ Red's Summer House)

According to the property owner 12.03.21 they received their final kitchen plans 12.02.21 and have a few minor tweaks that will have to be made. They are now hoping to have the new plans into zoning by January. They have found that there was a major roof leak on the east end of the building that has resulted in considerable rot and damage to the roof on that end of the building that will need to be addressed immediately. Apparently, there was the original roof and a secondary roof built over top. Moisture build-up has caused it to be completely in need of being removed and a whole new roof system to be installed. Additionally, they are investigating any potential damage to the side walls of that part of the structure because water was trickling down the sides also. As of 12.07.21, I believe the architect has the parking situation worked out and he indicated they just need to finalize the detailing on the plans. The roof issue thru them all for a loop and was unexpected.

Trustee Dress moved re-appointment of Clyde Shetler as a regular member of the BZA, term to expire 12/31/2026. Ms. Rozak seconded the motion. Roll Call: Mr. Dress YES, Ms. Rozak YES, Mr. Hirt YES. Motion carried.

Trustee Rozak moved re-appointment of Jodi Kopanski as a regular member of the ZC, term to expire 12/31/2026. Mr. Hirt seconded the motion. Roll Call: Mr. Dress YES, Ms. Rozak YES, Mr. Hirt YES. Motion carried.

OLD BUSINESS

Nick Gerber with Digital One followed up with Trustees regarding employee 2022 healthcare renewal questions.

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Trustees discussed information received from Baker Dublikar Attorneys, regarding allowable expenditures of the American Rescue Plan Funds. Trustees will discuss options.

New Business

Permission was requested to hold a Wreaths Across America Ceremony December 18th at Sackett Cemetery. Trustees approved the event.

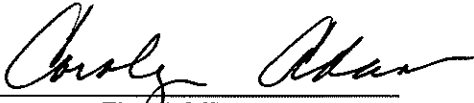
Fiscal Business

A motion by Mr. Hirt and seconded by Mr. Dress to approve the payroll and bills totaling \$225,741.67 or the period 11/23 – 12/08/21. Roll call was unanimous and motion carried.

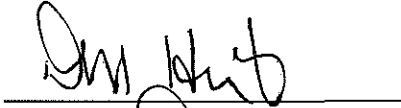
Mr. Hirt moved acceptance of the November bank reconciliation, seconded by Ms. Rozak. Roll call was unanimous.

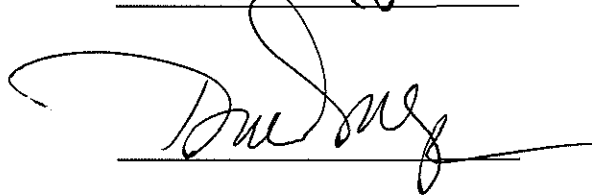
Trustee Business

Ms. Rozak moved to go into executive session to discuss a public employee complaint, at 7:30 pm. Mr. Hirt seconded the motion. Motion carried. Motion by Ms. Rozak and seconded by Mr. Hirt to leave executive session at 8:21 pm. Ms. Rozak motioned return to regular meeting, seconded by Mr. Dress. Motion carried. Mr. Dress moved to adjourn regular meeting, seconded by Mr. Hirt. Motioned carried.



Fiscal Officer







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