

ELLSWORTH TOWNSHIP ZONING BOARD  
**RECORD OF PROCEEDINGS**

**2016-015**

Minutes of *Ellsworth Zoning Commission* Regular Meeting  
Held *December 13, 2016*

On Tuesday, December 13, 2016, the Ellsworth Township Zoning Commission's regular meeting began at 6:02 PM at the Fire Hall.

Chair Fred Schrock opened the meeting leading with the Pledge of Allegiance followed by a moment of silence for those serving our country past and present.

Members present were Chair Fred Schrock, Vice Chair Sean Giblin, Janine Goddard, Jim Mayberry and Alternate Jerry Matteucci. Excused is Dan Stout. Jerry Matteucci is filling in as a regular commission member.

Six (6) guests were present; Kathy and Bob Harter, Ron Niemiec, Bob Toman, Dee and Jim Tripp. Inspector Wayne Sarna was not present, he was out of town.

Chair Fred Schrock mentioned that this Saturday – Ellsworth will have “Wreath across America” at 10AM. They will be placing wreaths on 154 graves. Berlin Center is having a similar ceremony at 1PM.

November 8, 2016 minutes were approved by a motion made by Sean Giblin, seconded by Jerry Matteucci. Roll call vote; Sean Giblin – yes; Janine Goddard – yes; Fred Schrock – yes; Jim Mayberry – yes; Jerry Matteucci – yes.

Chair Fred Schrock introduced the commission to the public.

**Old Business** – none.

**New Business** – none.

Kathy and Bob Harter of 11140 Diehl Lake Dr. are present to address their property at Diehl Lake. There was much discussion on this.

Fred Schrock told the public that this meeting is open to the public; the meeting is an open forum. Anyone can come that wants to share what is on their mind. Most are aware of the Harter situation; it has been a concern for a number of years. The commission recognizes that there may be misunderstandings or factual data that is a concern. Dan Stout, a resident of Diehl Lake, last month presented a list of concerns (6 exhibits) which the commission discussed. Dan is a zoning commission member and he excused himself as a member for the meeting and sat with the public, with Alternate Gerald Matteucci filling in for Dan Stout.

Due to the concerns regarding the Harter's and their property at Diehl Lake, at the commission's last meeting it was decided to advise the trustee's to hire legal source to look into this matter, since the commission felt it was very complicated. Fred Schrock read the motion made at the last meeting.

December 10, 2016 Inspector Wayne Sarna received an email stating that any meeting with the Harter's and the Zoning Commission be conducted at a public meeting. Wayne talked to Kathy Harter and suggested that she set up a meeting with the zoning commission. Fred Schrock reiterated that all parties involved should be at the meeting. He also said that he has tried numerous times to get Brad Grace or representatives to come to the zoning meetings to try to get a better understanding on this. Ron Niemiec (of Diehl Lake) said he would relay this to Brad Grace.

Bob Harter gave the commission a rundown of the series of events on what has been going on regarding the garage and their church retreats at Diehl Lake since August 2015. Twice it involved the Health Department and both times they found no violations.

Sean Giblin said that the commission is constantly talking about Diehl Lake, that we are getting unsigned comments regarding Diehl Lake. This is why Sean Giblin feels that we need to get the Diehl Lake people to come to a meeting so together we can go over things.

Jim Mayberry said that this dwelling of the Harter's is what everyone seems to be focused on. Jim also said that an easy fix may be to not use this garage for the groups singing, crafts, etc.

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Fred Schrock asked the Harter's if there has been a "signed" zoning violation sent to the Harter's. Kathy Harter gave Fred Schrock copies of four complaints. As Fred sees it, the Harter's have not been given a violation.

Jerry Matteucci asked Ron Niemiec questions regarding Diehl Lake meetings, giving Jerry more information about their meetings and on the hall that is rented, rental procedure, etc.

Since there has not ever been a zoning violation issued by Ellsworth Township to the Harter's, it seems like the dispute regarding the Harter's garage at Diehl Lake is an internal issue between the residents of the PUD. When a violation is issued, it quotes what resolution is being violated; and it seems that there has never been one issued.

Meeting is now open to the public.

Trustee Bob Toman also said to date that the Harter's have not been issued a violation.

Kathy Harter said that the township inspection was postponed due to Inspector Wayne Sarna being out of town.

Occupational permit on the Harter's garage was granted on November 04, 2016.

Jim Tripp made some comments.

Bob Toman (as part of the public) made some comments.

Sean Giblin again suggested to Ron Niemiec of Diehl Lake to have Diehl Lake Association come to our next meeting on January 10, 2016.

No further comments.

Fred Schrock announced that our next regular meeting is on January 10, 2016 at 6:00PM.

Jerry Matteucci made a motion to adjourn at 7:14PM; seconded by Jim Mayberry.

Roll call: Sean Giblin – yes; Janine Goddard – yes; Fred Shrock – yes; Jim Mayberry – yes;

Jerry Matteucci – yes. Motion carried.

Janine Goddard  
Secretary