

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Board of Zoning Appeals

Meeting

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

May 20, 2026
20

Held _____

The Danbury Township Board of Zoning Appeals Meeting was called to order at 6:00 p.m. by Chair, Greg Huffman at the Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Greg Huffman, Vice Chair, Joseph Fetzer, Member Clyde Shetler, Member, Sherry Roberts, and Alternate, Julie Cottingham were present. Secretary, Joseph Kruse, and Alternate, Jim Switzer, were excused. Ms. Kathryn Dale, Zoning & Planning Administrator and Dawn Connor, Zoning Assistant, were also present. Visitors present included Brandon Prenzlin, Brooke Prenzlin, Bradley Prokop, Patrick Teresi, Michelle Teresi, Bruce Cohagen, Linda Montis, Ann Lugbill, William Copas and Dave Niederlander.

Ms. Dale read the rules of order for the meeting proceedings. The Chair asked Ms. Dale if all the documents relating to the cases had been received and were in proper order. She indicated that they were. The Chair swore in Ms. Dale.

The Chair introduced the first case of the evening.

Adjudication Hearing
Case BZA #2026-082
170 Laser Lane
Prenzlin

Request for Area Variances to Section 5.7.3 to allow for a deck to encroach into the east, front-yard setback (15' required/ 10' proposed) and to Section 5.1.7 to allow the deck to encroach into the south, side-yard setback (5' required/ 3' proposed).

The Chair asked if there were any Board Members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Roberts moved, and Mr. Switzer seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale stated the property is part of the Laser-Owen Subdivision that was platted in 1946. The existing house was torn down and rebuilt in 2014. The owners at that time came before the BZA (Case# 2014-003) and requested a 2' side-yard setback variance from the south, side property line for the new house, from the roof overhang to the property line instead of the required 5'. Even though a variance was received for the house, that variance only covered the request for the house, not carte blanche for a deck or future construction, from the south property line.

The current owner and applicant is proposing an 8' x 24' uncovered deck onto the front of the existing house which will encroach into the south, side-yard setback by approximately 3' from the property line where 5' is required. The average front yard setback for the west side of Laser Lane is 15'. The prior owners did not need to have a front yard setback variance because the front of the house was 18' from the east, front property line, which met the 15' average. The proposed deck will encroach 5' into this reduced setback and be 10' to the east, front property line where 15' is required.

The property currently has simple steps from the front door to a patio area. There is no stoop or even landing at the doorway. The applicants' aging father currently lives in the house and is having difficulty managing the steps safely. He would like to provide this deck for ease in and out and to be able to safely exit this doorway with a platform at the door opening. Ms. Dale concluded by reviewing the decision standards the Board would be considering.

The Chair asked if there were any questions for Ms. Dale. There were none.

The Chair called upon the applicant to come forward and be sworn in.

Brandon Prenzlin, Owner, 170 Laser Lane, Marblehead, came forward and was sworn in. Mr. Prenzlin reviewed the paperwork and stated it was as he had submitted. Mr. Prenzlin stated that he rents the house to his father who is 73 years old. He said his father likes to sit outside but cannot do steps very well. He said he wants to build something where his father can come outside, not use steps and just go across the path that is already existing and sit in his chair. He said his father would have been with him at the hearing, but he has been in the hospital all week. Mr. Prenzlin said he is basically asking for a nice pad for him to sit on. It would not be covered and would not impede anybody's vision on the road. He said it would not be anything abnormal to their street as pretty much everyone has a porch. He stated he would just like to put a deck on it and make it look nice.

The Chair asked if there were any questions for the applicant. Mr. Shetler asked Ms. Dale if they would just be considering two variances to the side and front yard setbacks. Ms. Dale confirmed that they were. The Chair asked if there were any further questions. There were none.

The Chair asked if there was anyone with standing who wished to speak.

Brooke Prenzlin, 161 Laser Lane, Marblehead, came forward and was sworn in. Ms. Prenzlin said she just wanted to share that the applicant's father is having a hard time getting around. He has had two knee replacements and a hip replacement. He walks with a cane, so it is difficult for him to navigate up and down steps, even with a small stoop. He also likes to sit outside and that is why she and the applicant are asking for the variance.

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The Chair asked if there were any further questions. There were none.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Mr. Shetler. All were in favor and the motion carried.

Mr. Fetzer motioned to recess into the executive session to deliberate the merits of the case. Ms. Cottingham seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer – yes; Mr. Huffman - yes. The motion carried and the Board recessed at 6:14 p.m.

Ms. Roberts moved, and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham – yes; Ms. Roberts –yes; Mr. Shetler – yes; Mr. Fetzer – yes; Mr. Huffman– yes. The Board reconvened at 6:23 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2026-082:

BZA MOTION & FINDINGS OF FACT

With regard to BZA-2026-082 being a request for an Area Variance from Section 5.7.3 to allow for a deck to encroach into the east, front-yard setback (15' required/ 10' proposed) and to Section 5.1.7 to allow the deck to encroach into the south, side-yard setback (5' required/ 3' proposed) for the property located at 170 Laser Lane:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property is permitted to be used for a single-family residence.
2. The request **is not** substantial because the deck will remain uncovered and open and has no effect on where vehicles are parked on the property or visibility to traffic going up and down the street.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the deck will be no closer to the south, side property line than the existing house and vehicles coming up and down the street will be able to adequately see or get off to the side without being impeded by this deck.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities exist, and any utility extensions or upgrades will require approval from the appropriate County agencies.
5. The applicant stated in their narrative statement that they **were not** aware of zoning in the Township at the time they purchased the property in 2024.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance due to the small 40' x 61' size of the lot, and the fact that the lot is 66% smaller than what a lot would be required to be today, there are few options other than to request variances for improvements on the lot.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because there are no known negative impacts to the surrounding properties.

Mr. Shetler moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (6) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Mr. Fetzer. Roll Call Vote was as follows: Ms. Cottingham– yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer– yes; Mr. Huffman – yes. Vote 5-0 the motion carried.

The Chair stated that the application has been Approved and permits could be obtained following the signing of the decision sheet at next month's meeting, June 17, 2026.

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The Chair introduced the second case of the evening.

**Adjudication
Case BZA #2026-092
615 S. Bridge Road
Prokop**

Request for an Area Variance from Section 6.8.3.A.v. to replace a nonconforming off-premises sign. Also requesting an Area Variance from Section 6.5.1 to allow more off-premises signs than permitted (2 allowed/ 3 requested) and to allow the proposed sign to encroach into the front setback (3' proposed/ 40'-55' required) and to Section 6.5.1.A.iii to allow the proposed sign to be closer than 250' from another on-premises and off-premises sign.

The Chair asked if there were any Board Members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Cottingham moved, and Ms. Roberts seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale said on March 16th or 17th, a storm came through the area and blew over one of the off-premises (billboard) signs on this property. Specifically, the southernmost sign. Said sign had both support posts completely severed. On March 17, 2026, a "Notice of Loss of Nonconforming Sign" was sent to the property owner via regular mail. The property owner began replacing the support post the same evening that the notice letter was sent out. The owner received the letter on or about March 24th and called our office.

The sign was nonconforming because it was 1 of 3 off-premises signs on the property, where only 2 are allowed. Furthermore, the sign was nonconforming because it is too close to the front property line and within 250' of other permanent on-premises and other off-premises signs. The property owner is now requested to place the sign back in the same location.

Section 6.8.3.A.v.: *A legally established nonconforming sign which has been damaged by fire, explosion, act of God, the public enemy or voluntarily, that severs all or part of the supporting structure(s), or posts in the ground, the sign structure shall not be restored except in conformity with the setback regulations herein.*

The sign case or panels containing the sign face may be reused or repaired if damaged by less than 75% of the sign area as calculated in Figure 6.3.2.E.ii. If the sign case or panels containing the sign face are damaged or destroyed by 75% or more of the sign area, then the sign and its supporting structure(s) or posts shall lose its nonconformity status and comply with all requirements contained herein.

Ms. Dale concluded by reviewing the decision standards the Board would be considering.

The Chair asked if there were any questions for Ms. Dale. There were none.

The Chair called upon the applicant to come forward and be sworn in.

Bradley Prokop, Owner, 615 S. Bridge Road, Marblehead, came forward and was sworn in. Mr. Prokop reviewed the paperwork and stated it was as he had submitted. Mr. Prokop said the sign has been up for over twenty years and they are trying to keep the sign in the same spot to keep the income coming in.

The Chair asked if there were any further questions for the applicant.

Mr. Shetler, asked about the exhibit showing the circles and green dots. He asked if the green dots were all existing signs. Ms. Dale said they were existing billboards. He asked if some of the other signs in the area were also nonconforming. Ms. Dale described the signs on the Bergman property and said some of them are considered on-site signs and also off-site signs. Mr. Shetler asked if they were Bergman signs on Bergman property. Ms. Dale said they were, but some were considered off premise advertising. Ms. Dale asked the BZA members to look at the photos that were included in their packet. She said it would show what the existing signage on the property under consideration. She then said if they looked at the exhibit with the circles and green dots, it would show the signs location in relation to other off-premises signs. She stated she would not say they are "snuffing out" any signs for a permanent business. Mr. Shetler said he just wanted to understand the circles. Ms. Dale said they have a been pinpointing all of the signs in the Township, so if someone comes in and asks for a billboard sign, they can show where the 250 foot radius is for that property. A new sign would have to be outside the radii to be allowed. Ms. Dale said in using this radii information for this property, the sign would end up being allowed to be 110 feet back from the front 269 property line and 15 feet north of the southern property line. Mr. Shetler verified that the location that would be allowable was driven by the signs across the street. Ms. Dale confirmed that it was. Mr. Prokop stated if he had to place the sign that far back on the property, it would be blocked by the house and would not really be useful.

The Chair asked if there were any further questions. Mr. Fetzer asked if the signs were put up before zoning. Ms. Dale said she did not have exact dates for all of the signs. Zoning came to the

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Township in 1975, and arguably, some of them are that old in some areas. There was a total rewrite of the sign language in 2012/ 2013 due to a lot of things missing from the sign ordinance. She said they researched all of the signs in the area to come up with regulations as they are today. The nonconforming language for signage was all new. The nonconforming language for houses and property use to refer to the "reproductive value", which was really hard to attain what that would be because the price when the regulations were made versus the price when something needed repaired or replaced could be completely different. The Township wanted to go with a more concrete, tangible measurement for nonconforming language, so it now all goes with square footages instead of reproductive value. This is for houses, property and for signs. The language was further changed in 2018 to reflect this. Since there were not dates for the signs, they were all documented at the time of the text amendments and considered grandfathered. There have been a few permits issued over the years that now meet the requirements and are allowed, but the majority of them are the ones that were grandfathered in.

Mr. Shetler asked if the setback was 40-50 ft back from the road. Ms. Dale said it is based on the square footage of the sign and that is why there is a range. Mr. Shetler asked the applicant the size of the sign that he lost. Mr. Prokop said it was 4' x 8'. He then clarified with Ms. Dale that the main thing driving the allowable position of the sign to 110' was the proximity of other signs in that area. Ms. Dale confirmed that was correct.

The Chair asked if there were any more questions. There were none.

The Chair asked if there was anyone present with standing who wanted to testify. There were none.

Mr. Shetler made a motion to close the public comment segment of the hearing, seconded by Ms. Roberts. All were in favor and the motion carried.

Mr. Fetzer motioned to recess into the executive session to deliberate the merits of the case. Ms. Cottingham seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Mr. Roberts – yes; Mr. Shetler – yes; Mr. Fetzer– yes; Mr. Huffman – yes. The motion carried and the Board recessed at 6:46p.m.

Ms. Cottingham moved, and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham– yes; Ms. Roberts – yes; Mr. Shetler –yes; Mr. Fetzer – yes; Mr. Huffman – yes. The Board reconvened at 7:14 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2026-092

BZA MOTION & FINDINGS OF FACT

With regard to BZA-2026-092 being a request for an Area Variance from Section 6.8.3.A.v. to replace a nonconforming off-premises sign. Also requesting an Area Variance from Section 6.5.1 to allow more off-premises signs than permitted (2 allowed/ 3 requested) and to allow the proposed sign to encroach into the front setback (3' proposed/ 40'-55' required) and to Section 6.5.1.A.iii to allow the proposed sign to be closer than 250' from another on-premises and off-premises sign for the property located at 615 S. Bridge:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property is permitted to be used for a single-family residence, which is its principal use and the two, remaining off-premises signs are allowed to continue to be used.
2. The request **is** substantial because the purpose of nonconformities is to provide a legal way to allow pre-existing structures and uses to remain and be maintained within reason; eventually leading to the conversion into a conforming situation or the eventual and equitable elimination.
3. The essential character of the neighborhood **would not** be substantially altered by the variance, and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the sign will be reestablished in the same location and will remain the same size.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities exist and are available to the property and the sign itself is not located in the road right of way where utilities are usually located.
5. The applicant stated in their narrative statement that they **were not** aware of the zoning restrictions in the Township at the time they purchased the property in 2021.

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6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by eliminating one of the other off-premises signs and placing this sign in compliance with the regulations.
7. The spirit and intent behind the zoning requirement **would not** be observed and substantial justice done by granting the variance because the purpose of nonconformities is for their eventual conversion into compliance with the zoning regulations or for eventual elimination.

Mr. Fetzer moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standard(s) (3) weighs more heavily to show that:

- a. Practical difficulty is sufficient to warrant granting the Variance requested.
- b. There is a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Mr. Huffman. Roll Call Vote was as follows: Ms. Cottingham – yes; Ms. Roberts – no; Mr. Shetler– yes; Mr. Fetzer – yes; Mr. Huffman – yes. Vote 4-1 the motion carried.

The Chair stated that the application has been Approved.

The Chair stated that the application has been Approved and permits could be obtained following the signing of the decision sheet at next month's meeting, June 17, 2026.

The Chair introduced the third case of the evening.

Adjudication
Case BZA #2026-093
8786 Northshore
Camp Runinmuck N.G., Inc./Patrick Teresi

Request an Area Variance from Section 5.2.1.A.ii.a. to allow for a 720s.f. pavilion addition that results in the cumulative accessory building space on the property to be exceeded (4,892s.f. allowed/5,654s.f. proposed), Section 5.2.1.B. to allow a pergola, ~~shed and~~ pavilion to be located in front of the principal structure where accessory structures are required to be in the side or rear yard, and to Section 5.2.1.D.iii to allow for a pavilion accessory structure to be separated less than 5' from the principal structure (3'10" proposed)..

The Chair asked if there were any Board Members who would have a conflict and wished to abstain from this hearing. There were none. Ms. Roberts moved, and Mr. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale said in the initial packets to the Board Members the staff report for this case mentioned that there were a number of other accessory buildings on the property that never received permits. Ms. Dale said she had provided an updated staff report on the table for this hearing for the Board to read over which would explain some of the changes in the applicant's request and asked that they refer to that staff report, instead of the previously prepared one.

Ms. Dale said the subject property contains 9.23 acres for the part of the property that is zoned "R-C" Recreational Commercial. This would allow for 4,892s.f. of cumulative accessory building space on the property. The map included in your packets shows a 10' x 10' pergola and a 6' x 8' shed in red and part of the initial variance request. These two structures have been removed or relocated to be in compliance with setbacks and location and are no longer part of the variance request.

There are 12 pre-existing accessory buildings on the property that total 3,024s.f. These buildings did not initially receive proper zoning permits (2 of the 12 are grandfathered), but the township and owner of the property were able to get this rectified prior to the BZA hearing and a proper permit has now been issued for these 12 structures.

The applicant is proposing to add a 24' x 30' (720s.f.) addition onto a pre-existing 30' x 60' (1,800s.f.) Pavilion, which would put the total cumulative square footage of all accessory buildings at 5,544s.f. (over by 652s.f.). The 30' x 60' (1,800s.f.) pre-existing pavilion is part of this request because it is a building that was installed without proper permits, and could not be covered under the recent permit issued for the other 12 buildings, due to its location in front of the principal buildings and when it was installed, it was placed 3'10" from the principal building. The proposed 24' x 30' section onto the existing 30' x 60' Pavilion will also be in front of the principal buildings, but that addition portion to the pavilion will meet the 5' separation requirement.

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The Chair asked if there were any questions for Ms. Dale. Ms. Cottingham asked about the actual square footage to be considered tonight. Ms. Dale said it would be 5,544. Mr. Shetler asked if the new pavilion would be attached to the existing one. Ms. Dale said it would. Ms. Roberts clarified how many square feet they would be over the allowance. Ms. Dale said it would be 652 square feet. Mr. Shetler asked if the 3' 10" setback is from the building to the eave or the frame. Ms. Dale said she did not know if the addition had an eave on it and the applicant would have to address that. Ms. Dale said they could also look at the photos to see if there was an overhang or not. She said she did not have a good picture of the backside, but if it is the same as the visible side, it has a slight overhang with a gutter on it.

Ms. Dale asked if there were any further questions. She stated the focus of the decision tonight should be the big pavilion and the proposed addition onto it. She said if the larger pavilion had met the location and separation requirements, they would have been allowed to have that 1,800 square foot building because they have 1,868 square feet available before they max out on their cumulative. They then would only have been able to add on about two and half feet to meet the 68 square feet, but now they are asking for more than 720 square feet which puts them over. Ms. Dale then reviewed the decision standards the BZA would consider in rendering their decision.

The Chair thanked the Zoning Administrator and Zoning Assistant on the work involved in researching this case. He then called upon the applicant to come forward and be sworn in.

R. Bruce Cohagen, Patrick Teresi, Owners, and Michelle Teresi, Linda Montis, C.R.N.G Officers, 8786 Northshore Blvd, Marblehead, came forward and were sworn in. Ms. Teresi reviewed the paperwork and stated it was as she had submitted.

Ms. Teresi said she was the Secretary of Camp Runinmuck, the New Generation Inc., and was there with the other officers of Camp Runinmuck. She thanked Ms. Dale and the Zoning Department for their time, assistance and professionalism in helping them work through this extensive variance request. She said they were requesting a limited area variance related to their existing pavilion structure and a proposed pavilion addition that supports their campground operations, activities and guest activities. She said they had worked proactively with Township staff to reduce the overall scope of the original application wherever possible. She said they voluntarily eliminated two of the original variance requests by removing the pergola in the pool area and relocating the shed that had previously been near the pool and forward of the principal building line into a complying location on the property. She said they had worked cooperatively to address several pre-existing accessory structures on the property that had not received zoning permits. Permits for those structures had been successfully rectified prior to that night's hearing.

Ms. Teresi said the remaining request is centered primarily around the existing pavilion and the proposed 720 square foot pavilion addition. The addition would result in the cumulative accessory building square footage to exceed the permitted amount by approximately 652 square feet. She said the requested variance is modest when viewed in relation to the overall size and scale of their campground property. As a whole, the campground contains over nine acres within the recreation commercial zoning district and functions as a large scale campground operation with multiple recreation, maintenance and communal support areas necessary to serve their campers and guests. She stated given the overall acreage and operational nature of their property; the requested variance is reasonable and proportional to the needs of an established campground operation. She said this is a long established campground in existence for over 44 years, dating back to 1982. She continued that they have a unique internal layout that includes campsites, internal roadways, utilities, recreation areas and accessory structures throughout the property. The pavilion area itself is internal to the campground operation and is surrounded primarily by campsites and related recreational uses, rather than the traditional residential development. The pavilion is intended primarily as a communal gathering space for campers and their families. It is used for family activities, group gatherings, camp and campground events and shelter during inclement weather. She said this is not an expansion of the campground's use or intensity, rather an improvement intended to enhance safety, services, organization and the overall experience for the families that stay with them.

The existing pavilion was installed years ago as part of the campgrounds' longstanding operations and improvements as located internally within the campground property. The proposed pavilion addition itself will comply with the five foot separation requirement, and the remaining separation issue relates primarily to the pre-existing pavilion structure as noted in the staff report. The pavilion is generally not visible from public view and is surrounded by campground sites and accessory structures internal to the campground. There will be no change in traffic patterns, no obstruction of neighboring properties, no alteration of the overall character of the area. She said they believe the steps they have taken to reduce the scope of the request and proactively address permitting matters demonstrates their commitment to working collaboratively with the Township and maintaining the property responsibly. Ms. Teresi said the request allows them to continue improving the campground

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experience for their guests while maintaining the existing character and operation of the property as a whole. Ms. Teresi said she would be happy to answer any questions.

The Chair asked if there were any further questions for the applicant. There were none.

The Chair asked if any of the other applicants present wished to speak. Mr. Cohagen said he appreciated the Township working with them to rectify the situation and get things permitted the way they should have been.

The Chair asked if there was anyone present with standing who wanted to testify.

Ann Lugbill, Owner, 265 & 271 Hidden Beach Road, Marblehead, came forward and was sworn in. Ms. Lugbill stated she was there because she is one of the closest residences to the pavilion. She said the pavilion is primarily a problem because it is used for bands in the summertime. She said on the weekends, the noise is intolerable and she has had to keep a sound meter on her phone, which she has never had before. She said after the pavilion was built in 2016, all of a sudden, the bands got really loud. Before that, the music was internal. She said they bought their property in 2010, and the music was inside and in the internal courtyard that they enjoyed. She said the loud bands in the pavilion have feedback speakers that project directly towards her residence which does not allow for a conversation in her backyard. She said her brother-in-law and sister-in-law used to stop and stay with them when traveling in the summer and they will no longer come because of the loud music. He will not visit his brother because he is worried about further hearing loss due to the exposure. She said she had addressed her complaints with Bruce and Linda in the past when it was too loud, but she is no longer willing to do that, and neither is her husband. She said the building's purpose was for the big bands and not for communal gatherings. She said there is multiple other areas for communal gathering at the individual campsites and people would not be using it if there was inclement weather. They would be going back to wherever they came from.

Ms. Lugbill said they needed to look at all of the aspects of what the pavilion would be used for because it is not for the stated purposes, it is not consistent with the campground and is not consistent with the bar/restaurant, it is an outdoor music venue. She said Hidden Beach Bar is just down the street and they have a nice little enclosure which does not allow the music to carry. She said her decibel meter has been over 70 many times and she does not call unless it is over that, but most of the time it is over 50 or 60 and you cannot maintain a conversation in her backyard. She said there is no zoning for this to get a permit for an outdoor music venue and if this pavilion is going to be allowed it should be restricted to its stated purpose and not allow outdoor music. Furthermore, she said this was not an issue until they built the existing pavilion without a permit. The music is so clear that she can hear the lyrics from her bedroom which is 150 feet away from the pavilion. She said she has called the police in the past, and the officer did not take her complaint seriously because she is just some old lady that does not like noise. Ms. Lugbill said he disparaged her complaint, she never heard back from him again and obviously nothing was done. She said the officer may have felt her complaint was meritless, but it was not meritless to her. She said she does not want to have to call about noise. She said if her neighbors are making noise she goes over and talks to them. She said the Township needs to be careful when approving this type of building when it is going to be used for outdoor concerts because they are very, very loud. She said the amplification should never be pointed to the neighbors which is how it is now with the big feedback speakers which bands like to use now to see if the music is going over or not. She said those speakers should be faced internally and never pointed towards her. She said she should not have to be the one to enforce this. It should be the responsibility of the owners of the property, and maybe more rules and conditions should be placed on buildings like this so there is more self-enforcement with the owners telling the bands that they cannot have their equipment pointed like this and projecting the music into the neighborhood.

Ms. Lugbill said there are also problems with the Camp Runinmuck property paving more and more of their property and causing flooding issues in her yard and the yards of her neighbors. The drainage ditch that used to exist has been completely filled in with the runoff from these paved areas. No drainage means flooding the water into her yard and it flooded her neighbor's house last year. She said they cannot just keep building and blacktopping without consequences. She said the property is far more than a campground and far more than a restaurant. She said she loves the restaurant and she loves the music when it is inside. She does not love the music when it is outdoors and in her backyard. She apologized for being so emotional about this, but said she found out two weeks ago that her brother-in-law was avoiding coming to visit due to the music and she was very upset about this. She said when the legal notice for the hearing came, about the same time, she knew she had to come and say something about the situation. She said the pavilion is going to be used for loud music, not for quilting bees or Sunday school classes.

Mr. Shetler asked Ms. Lugbill where her house was. She said she owns a small cottage built in 1946 which is directly behind the main Camp Runinmuck buildings and slightly to the south. Mr. Shetler asked if she is along the main driveway. Ms. Lugbill said she was right on the curve of the

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driveway and is the closest to the pavilion. She said they also bought the cottage next door during covid so they could have family and friends come to stay with them.

Ms. Roberts asked what time the music stopped. Ms. Lugbill stated it is usually around eleven p.m., but it is sometimes later.

Mr. Shetler asked Ms. Dale about one of the variances being the offset of the building being 3'10" instead of the required 5'. He asked if they had offset the existing pavilion five feet, would they have not required any variance and could have built it there. Ms. Dale said no, because if they had asked about building it before they did, they still would have had to come before the BZA to get a variance to put it in front of the principal structure. They also could have gotten around that by attaching it to the principal building. Mr. Shetler asked if they had attached it to the principal building, would they have needed any variance. Ms. Dale said they would not have.

Ms. Roberts asked Ms. Lugbill if all of the music was outside. Ms. Lugbill said it was. She said she can recall one time it was inside, but almost all of it is outside. She said sometimes it is in the interior courtyard where the noise does not carry. On weekends, it is sometimes in the interior, but mainly at the pavilion.

Mr. Huffman asked if there was anyone else who wished to speak.

Mr. Bill Copas, Agent, 283 Hidden Beach Rd, Marblehead, came forward and said he was there to speak on behalf of his mother-in-law who owns the house at 283 Hidden Beach. Mr. Copas provided a letter written by Virginia Niemann authorizing him to speak for her. The letter was entered into the records as Copas/Niemann Exhibit 1. Mr. Copas stated that Virginia is the second generation owner of the cottage. The cottage was built by his wife's grandfather in 1946, after buying the land from the Shrock's. He said his daughter just had a baby, so there are five generations that have no intentions of selling this property. They have a long-term vested interest in this property and this community. He said he has been coming up here since the 1980's. His wife and her family have been coming since the 1960's and his mother-in-law has been coming since she was a child. Mr. Copas said he has plans to expand it to add additional space to the cottage to improve the way it is. He said they have no intention, whatsoever, in getting rid of this. They are here for the long haul.

He said there are three main issues he has with this variance and some of the other issues that have been going on. He has concerns with the permitting issues for the existing pavilion that was put up in 2016. No permits was issued and no permits seem to have been requested by the Township. He said it appears that permits are issued even though they violate the current ordinances. There were variances already given to this property, which do not follow the ordinances, but may have been grandfathered in. He said they do not follow setbacks from the roads, which are supposed to be seventy feet back. If he were to build a campground, he would have to follow the code. He said the code also says they have to have one parking spot per every eighty square feet of the structures. He said he assumed that meant the main structure. He said they need 108 parking spaces for just the bar and restaurant. He pondered aloud if that includes the trailers and said either way he doubts they have enough parking spaces just for the restaurant and bar. He said there are no buffer zones. He said the current code says it should be twenty feet, but he doubts it is even ten feet on a good day. Mr. Copas says variances have already been made but there is nothing saying they had permits for that. He says why should they be given any additional variances when they already have variances all over the place? Why wouldn't they make Camp Runinmuck start coming into compliance?

He said as he previously stated, the noise is out of this world from this place. He said he is the second house and looks directly on the pool area. He said he had to download audio sound apps on his phone and last July he stood at the street on Hidden Beach Road and it was over 75 decibels. He said it is not a certified sound meter, but a conversation cannot be had in his backyard on a Friday or Saturday night. It is unmanageable. They have to shout at each other to be heard when sitting a short distance from each other. When his mother-in-law, who is 92 years old, comes to visit she does not stay up until 11 p.m. at night. He said he understands the noise ordinance says 11 o'clock, but she cannot stay up that late. He said without the buffer zone and there is no noise abatement for this. He said according to the zoning code, any outdoor music has to be within an enclosed structure. Ms. Dale said that was currently subject to change and would be going to the Trustees for public hearing. He said if this continues the music will be expanding all across Hidden Beach and Northshore Blvd. He said most times that the houses in this area are used are on the weekends and the noise levels, over the 75 decibels limit, affect everyone coming up. People will not want to purchase a home in this area because they cannot enjoy it. He said he has made several calls to the police in the past to complain. Mr. Copas says they now avoid coming up here on long weekends when they would like to just because of the noise. He said they used to come up, but now they do not. He said there has been no effort to abate the music. It is loud. He said as a business, Camp Runinmuck, has made no effort to control the people coming onto the property. He said it is a restaurant and bar open to the public, but the members who come in park in the green space separating their properties. He provided six photographs that were entered as

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Copas/Niemann Exhibit 2 – Photographs A, B, C, D, E and F. The photos showed vehicles parked along the western fence of Camp Runinmuck property/ eastern side of his property.

Ms. Roberts asked if Mr. Copas had addressed any of the problems or concerns with the officers of Camp Runinmuck. He said they had not. He said that in the past they had, but not in several years. He said that he had been told that his mother-in-law had made several attempts over the last ten years. He said he had no way to prove that to the Board, though. He said the parking issues happen every Saturday night. If it is a holiday weekend, it lasts all weekend.

Mr. Copas said the last question he had was whether this addition they were requesting was just for the campers or was it for anyone who has a membership at Camp Runinmuck. He said he has not been inside the business in about fifteen years. He said he remembered that the general public was able to eat there but could not get an alcoholic beverage if they were not a member. He said if this was just going to be for campers only and not music oriented, how was the management going to keep people out of this pavilion addition that do not have a camper there. It will just allow more people and more parking. How are they going to limit overcrowding and prevent all of this to begin with?

Ms. Roberts asked when this all started was the music ever indoors. Mr. Copas said in the past if it were cooler or raining, they would take the music inside. The indoor music does not bother them at their cottage. The amplification of the outdoor music is what is causing the problem.

The Chair asked if there were any further questions.

Mr. Shetler asked Mr. Copas about taking the decibel reading and what the reading was. Mr. Copas stated it was 82 decibels and 77 decibels. Mr. Shetler asked if they were steady and consistent. Mr. Copas said they were and were taken over a five minute period. He said he believed his app measured on the "A" scale instead of the "C" scale. Mr. Copas explained the two different scales as he believed them to be. He said without noise abatement, even behind his shed, it is hard to have a conversation with the music. Ms. Roberts asked him how granting this variance would affect the noise issue or was it two different issues. Mr. Copas said the variance would allow, as had been done in previous years, for them to have a band outside. He said last year there were bands out there a lot and now this would bring more people and more noise to this area.

The Chair swore in Mr. Copas, as it had not been done previous to him making his statements.

The Chair asked if there were any further questions. There were none.

Ms. Dale stated she was going to address the zoning code issues that had been brought up by the commenters. The concerns regarding noise and loud music have to be addressed at the time they are happening. The best way for that to be dealt with is by calling the Danbury Police Department. They are the enforcers of the Noise Resolution. They respond, they make a determination whether a violation is occurring or not, they usually try to make an attempt to contact the business owner and advise them that a complaint was made and ask if they could turn it down. That does not mean there has been a violation found, but they will still make an attempt to mediate the situation. The number of phone calls related to noise or loud music can be obtained from the Police Department. Ms. Dale said she was not sure if that complaint had any relevance on what the BZA was considering tonight, which is building separation, whether the pavilion should be allowed in front of the building and whether the cumulative square footage should be exceeded. The complaints regarding music needs to be addressed with the Police Department. They have a citation process; every call concerning music will be documented and saved.

Ms. Roberts stated she sympathized with the neighbors having to call the police and understood their position. She said it is very difficult to be the "bad guy" calling the police all the time and then the business owner knows who is calling. It makes it bad for everyone in the neighborhood. Ms. Roberts asked about the proposed new language regarding outdoor entertainment going before the Trustees. Ms. Dale said it outlines changes to the Zoning Code that will allow outdoor entertainment with restrictions and guidelines for where the entertainer must play and how their equipment would need to be positioned. She said the Trustees allowing some outdoor entertainment is very important to the businesses in this area. Although the Zoning Code states that music is not allowed outside of a fully contained building, over the years, there has been some performed outside and the Trustees are not adamantly against that because the noise resolution should control concerns raised about noise. That created a conflict between what is in the Zoning Code and what has been allowed. These new regulations would define how that is done. On June 10, 2026, there will be a public hearing at 5:30 p.m. for the final hearing on the language before them for consideration. The language basically states that outdoor entertainment would be considered an accessory to a valid bar, restaurant or tavern because that is where it was addressed in the Zoning Resolution to begin with. It would only be allowed for a valid bar, restaurant or tavern and would not be available to any other type of business. It must be in a commercial zoning district. It must be in a roofed over structure with a solid rear wall. Ms. Dale gave an overview of the structure requirements, placement requirements and how a band or performer must be positioned along with their amplification equipment.

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Ms. Roberts asked if the law currently states that music must be inside. Ms. Dale said yes. Ms. Roberts asked why outdoor music had been allowed to go on if it was against the Township's law. Ms. Dale said the Trustees feel that it is important for these businesses to be able to have entertainment. Ms. Roberts questioned that they were not enforcing their own laws. Ms. Dale said that was correct, but they have always enforced the noise resolution. The police have always enforced the noise resolution. Ms. Roberts stated that it doesn't make a difference if you are not enforcing the law.

Ms. Dale advised Mr. Copas that the parking requirements were not just for the main bar building. It was for all of the commercial structures on the property. She said there are some additional issues that are being addressed with Camp Runinmuck management. They include some zoning issues, along with some outdoor eating areas that will require additional parking. Ms. Dale said they are working to correct the issues to ensure they are in compliance. If it is found that they are not in compliance, they will need to come back for additional variances in the future. Those issues will be dealt with as they come to them.

Ms. Dale said as far as the drainage issues that Ms. Lugbill mentioned are concerned, zoning does not regulate drainage. There are no permits required for driveways or paving. Zoning codes do not have anything to do with drainage and that issue should have no impact on the Board's decision tonight.

Mr. Shetler said it was stated by one speaker that Camp Runinmuck had been granted many variances, and he had not seen any evidence of additional variances that had been given to them. Ms. Dale said they had not gotten previous variances. Many of the things were from prior to the current ownership and started when it was a girl's camp back in the 1970's. This property was grandfathered from complying with current buffer zone and camper placement because much of it was in place before zoning started in 1975. They are currently licensed for a 126 site campground. As far as the campground itself is concerned, much of that is grandfathered. If they need to put in any additional parking, that will have to comply with today's parking regulations. Ms. Roberts asked if the pavilion being discussed tonight would require additional parking. Ms. Dale said the parking issue would have to be determined for the entirety of the property and would be addressed separately. Ms. Roberts asked what would happen if they granted the variance tonight and it is found out that they are not able to provide enough parking, should the Board not wait to decide on the variance until the parking issue has been resolved. Ms. Dale said as an accessory building alone, it does not require any parking. As the whole, if it is used in conjunction with the restaurant and bar, for serving etc., then it would be counted in the parking requirement of all of the commercial structures on the entirety of the property. She said a lot of issues had arisen in getting the property into compliance and the owners were actively working to get the issues corrected. Ms. Roberts asked if the variance approval should be conditional if it is granted. Ms. Dale asked what condition she would put on it. Ms. Roberts said a requirement to have the required parking. Ms. Dale said as just the accessory building, which is what the Board is considering tonight, it does not require any parking until the use changes to it being used as an offshoot to the primary bar/restaurant. Once that happens, it will require parking. Ms. Cottingham asked if it would require parking if it was used for music. Ms. Dale said if it was just used for music, it is still just an accessory building. If it is used for dining too, then it will require additional parking. Ms. Roberts asked, based on the photos provided, if they have enough parking now. Ms. Dale said she does not know. That has not been reviewed yet. Ms. Roberts asked if they were putting the cart before the horse. Ms. Dale stated tonight they are only asking about an accessory building that does not require parking.

Dave Niederlander, Owner, 9720 Northshore Blvd., came forward and was sworn in. He said when he called the police last summer, he was told by the Ottawa County Sheriff's dispatch that the police were not equipped to handle a complaint for noise. Mr. Niederlander said when he talked to Trustee Rozak, she guaranteed that each officer has a working decibel meter. He said his complaint was blown off by the dispatchers. Mr. Huffman asked if it was the dispatchers from the county he spoke to. Mr. Niederlander said it was.

Mr. Copas came forward to state when he said that variances had been granted, he was referring to information contained in the hearing packet for tonight that showed many structures that did not have permits. Mr. Shetler said no variances had been granted to Camp Runinmuck. Mr. Copas said they did not have permits and had not been required to get them, so he considers that a variance. Mr. Shetler stated Ms. Dale cannot grant variances, it must come before this board. Mr. Copas said permits have been pulled now for a number of the illegal structures. Mr. Shetler asked Ms. Dale if those permits had been issued. She said they had for twelve of the accessory buildings. Mr. Shetler asked if there were any variances on her list. Ms. Dale said there were none at this time. Mr. Copas apologized for misusing the term variances.

Ms. Lugbill came forward and said this building is clearly being used for auxiliary dining and drinking, along with music. She said there is a window down there to order drinks and tables. She said that it should immediately go into the parking analysis because it is being used for that purpose consistently.

The Chair asked the applicant's if they wanted to make a statement.

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Ms. Teresi asked to clarify that over the six month camping season, the pavilion is used for music approximately eight times. The rest of the time it is used for camper related activities and events. Ms. Teresi also corrected the public comments that the pavilion was built in 2016. The pavilion in question was built in 2022. She said they are and have been willing to work to keep the noise within the confines of the Danbury Township noise resolution. All of their bands are scheduled until ten p.m., and they try to make sure that is adhered to. Ms. Roberts asked if there are bands every weekend. Ms. Teresi said the bands that perform on Fridays and Sundays play in the enclosed area near the restaurant entrance. The only live music would be on Saturdays in the pavilion. Predominantly it is used for campers the other six months of the season. Ms. Roberts clarified that the bands were only eight times on a Saturday night. Ms. Teresi said that was correct.

Mr. Fetzer asked if the pavilion was just used for campground residents or members of the bar. Ms. Teresi said it was for both. Mr. Fetzer asked why they needed an addition to the existing pavilion. Ms. Teresi said there was a carport there for a long time and there is a separation between the old carport and the pavilion. When there is inclement weather, it allows the rain to come in. In an effort to make it more usable during weather like that, there intent was to get rid of the old carport and extend the existing pavilion roof into that area. Ms. Roberts asked what the criteria was to become a member. Ms. Teresi explained the member process.

Mr. Shetler asked if they had the concrete area prior to the pavilion and was it ever used for music. Mr. Teresi said it was not; it was used for some cornhole tournaments, cornhole leagues, campground functions, fundraisers and things like that. Mr. Teresi said they just want to close the gap between the between the structures mainly due to weather. He said they have always tried to be compliant and understanding about limiting the noise so as not to disturb the surrounding residents. He said they have always been compliant with the police if asked to turn down the music. He said the business has grown both in terms of staff and customer base because of the quality of what is provided to their customers. One of the reasons the decision was made to move some of the music outside was the number of people crammed into the main bar/restaurant building on a crowded night. There were concerns about exceeding the allowable occupancy based on fire code. He said the music is inside during the off season when it can still be crowded, but not as it is during the summer months.

Mr. Fetzer asked if there was a cutoff amount to their memberships. Mr. Teresi said there was not a cap amount. Many of the regular members will bring in family and friends who end up buying a membership. Usually by Labor Day it starts to slow down. Mr. Cohagen said a lot of charter captains will bring in their customers. Because their liquor license requires a membership, they may buy one but only use it during their trip to the lake, not the remaining time of the year.

Ms. Roberts asked if they could get a decibel meter for the Campground to monitor the sound and make sure it is not disturbing the neighbors. Ms. Teresi said they would look into that and all of the bands have a professional sound person that monitors the level of the music. Mr. Teresi said he regularly walks the perimeter of the pavilion to ensure that the sound coming out of there is complaint with the noise resolution. He said they are more than willing to work towards reducing the noise towards the neighbors and would be willing to sit down with them to see if a resolution could be reached. Ms. Roberts said that it may be a good idea. Mr. Teresi said the Camp Runinmuck officers live on the property and want a good relationship with their neighbors. Ms. Teresi said their liquor license is only until 1:00 a.m., so they are not a late night bar. Most people leave by 11:00 p.m. even when they have bands. There is not a lot of outside noise after the bands stop because the people go into the interior of the bar. Mr. Teresi said they also monitor the campers to ensure they are not disturbing the neighbors or other campers with their own personal music or noise. Ms. Teresi said they are more than willing to take any steps necessary to be in compliance with the resolution.

Ms. Roberts made a motion to close the public comment segment of the hearing, seconded by Ms. Cottingham. All were in favor and the motion carried.

Mr. Shetler motioned to recess into the executive session to deliberate the merits of the case. Mr. Fetzer seconded the motion, and the roll call vote was as follows: Ms. Cottingham – yes; Ms. Roberts – yes; Mr. Shetler – yes; Mr. Fetzer– yes; Mr. Huffman – yes. The motion carried and the Board recessed at 8:41 p.m.

Mr. Shetler moved, and Ms. Roberts seconded the motion to reconvene. The roll call vote was as follows: Ms. Cottingham– yes; Ms. Roberts – yes; Mr. Shetler –yes; Mr. Fetzer – yes; Mr. Huffman – yes. The Board reconvened at 9:21 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2026-093

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BZA MOTION & FINDINGS OF FACT

With regard to BZA-2026-093 being a request for an Area Variance from Section 5.2.1.A.ii.a. to allow for a 720s.f. pavilion addition that results in the cumulative accessory building space on the property to be exceeded (4,892s.f. allowed/5,544s.f. proposed), Section 5.2.1.B. to allow a pavilion to be located in front of the principal structure where accessory structures are required to be in the side or rear yard, and to Section 5.2.1.D.iii to allow for a pavilion accessory structure to be separated less than 5' from the principal structure (3'10" proposed) for the property located at 8786 Northshore Blvd.:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property is permitted to continue to be used for a campground, bar/restaurant with or without the variances and is allowed to have accessory building space. They currently have 1,868s.f. of accessory building space available to be able to added to the property.
2. The request **is not** substantial.
 - a.) In regard to the pavilion's separation requirement because it is only 14" (1'2") short, or too close to the bar/restaurant. The property owner may still have to overcome additional review and approval from the Ottawa County Building Department to determine if it can remain where it has been installed.
 - b.) In regard to the overage of allowable accessory building space because the additional space is necessary for a property of this size with multiple business operations.
 - c.) In regard to the placement of the pavilion, due to there being approximately 49 campers and their accessory buildings also being located in front of the principal structures.
3. The essential character of the neighborhood **would not** be substantially altered by the variance, and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the Pavilion is located internally within the existing campground property and not generally visible to public view.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because all utilities exist and are available to the property. Any utility extensions or upgrades will have to be installed in accordance with the proper County agencies.
4. The applicant stated in their narrative statement that they **were** aware of zoning restrictions at the time they purchased the property. There have been changes in partnership over the years, but overall consistency in management since the early 1980's.
5. The property owner's predicament **can** feasibly be obviated through some method other than a variance by connecting the pavilion to the existing bar/ restaurant structure as an addition.
6. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because the pavilion will have no greater impact on surrounding properties because this structure is internally within the campground operation.

Mr. Fetzer moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standard(s) (2) (3) weigh more heavily to show that:

- a. Practical difficulty **is** sufficient to warrant granting the Variance requested.
- b. There **is** a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does** support the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by: Mr. Huffman. Roll Call Vote was as follows: Ms. Cottingham – yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer – yes; Mr. Huffman – yes. Vote 5-0 the motion carried.

The Chair stated that the application has been Approved.

The Chair stated that the application has been Approved and permits could be obtained following the signing of the decision sheet at next month's meeting, June 17, 2026.

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Approval of Board of Zoning Appeals April 15, 2026, Regular Meeting Minutes

Mr. Fetzer made a motion to approve the April 15, 2026, regular meeting minutes as presented. Mr. Shetler seconded the motion. All were in favor, motion carried.

Signing of Decision Sheets

There was none.

Unfinished Business

There was none.

New Business

There was none.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Adjournment

Mr. Shetler moved to adjourn the meeting and Mr. Fetzer seconded the motion. All in attendance were in favor and the motion carried.

The meeting was adjourned at 9:28 p.m.

Kathryn A Dale
RECORDING SECRETARY

Greg Huffman

Joseph R. Fetzer
Joseph Fetzer

Clyde Shetler
Clyde Shetler

Sherry Roberts
Sherry Roberts

Julie Cottingham
Julie Cottingham
Board of Zoning Appeals

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