

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Board of Zoning Appeals

Meeting

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

June 17, 2026
20

Held

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

The roll call showed the following members present: Vice Chair, Joseph Fetzer, Member, Clyde Shetler, Member, Sherry Roberts, Alternate, Julie Cottingham and Alternate, Jim Switzer were present. Chair, Greg Huffman and Secretary Joseph Kruse were excused. Ms. Kathryn Dale, Zoning & Planning Administrator and Dawn Connor, Zoning Assistant, were also present. Visitors present included Lonny Peck , Marcia Asdal, Jack Noggle, Sharon Noggle and John Tibbels.

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 #2026-115
2425 Brooke Circle
Peck**

Request an Area Variance from Section 5.2.1.D.iii to allow for a pergola to be less than 5' from the principal structure (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. Shetler seconded the motion to open the public hearing. All were in favor and the motion carried.

Ms. Dale said while out on inspections April 1, 2026, we noticed that a pergola had been installed at this property without proper permits. A violation letter was sent to the owner on April 2nd. Once the owner received the letter, they contacted the office to resolve the issue, which has led to this variance being needed. The applicant is proposing a 13' x 19' pergola over the existing outdoor patio area at the back of the house which will be 3' from the principal structure's 18" roof overhang where 5' separation is required. 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.

Lonny Peck, Owner, 2425 Brooke Circle, Marblehead, came forward and was sworn in. Mr. Peck reviewed the paperwork and stated it was as he had submitted. Mr. Peck said when they bought the property in 2021, it was basically a shell that had sat there for twenty some years. They had finished the interior of the house but did not realize when they started the backyard work that a permit would be needed for their freestanding pergola. After receiving a violation letter from Ms. Dale, they contacted her and were advised they could move the pergola, and it would not need a variance. Moving the pergola would involve some minor to major construction, so they were requesting a variance in order to avoid that. He said the pergola does not present any safety issues in its current location and would not impede drainage or safety. He respectfully asked the Board to consider his variance.

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

The Chair asked if there was anyone with standing who wished to speak. There was none. Mr. & Mrs. Noggle were signed in for this case and they both confirmed that they did not wish to speak.

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

Ms. Roberts motioned to recess into the executive session to deliberate the merits of the case. Mr. Switzer seconded the motion, and the roll call vote was as follows: Mr. Switzer –yes; Ms. Cottingham – yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer – yes. The motion carried and the Board recessed at 6:12 p.m.

Ms. Cottingham moved, and Mr. Switzer seconded the motion to reconvene. The roll call vote was as follows: Mr. Switzer – yes; Ms. Cottingham – yes; Ms. Roberts –yes; Mr. Shetler – yes; Mr. Fetzer – yes. The Board reconvened at 6:25 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2026-115:

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BZA MOTION & FINDINGS OF FACT

With regard to BZA-2026-115 being a request an Area Variance from Section 5.2.1.D.iii to allow for a pergola to be less than 5' from the principal structure (3' proposed) for the property located at 2425 Brooke Circle:

- 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 and is permitted to have accessory building space.
- 2. The request **is not** substantial because the pergola meets all other setback requirements from the property lines and neighbors, as well as lot coverage and height.
- 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 for the same reasons aforementioned in #2 above.
- 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 2021.
- 6. The property owner's predicament **can** feasibly be obviated through some method other than a variance by extending the patio and moving the pergola to meet the 5' separation requirement.
- 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) (7) 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: Ms. Roberts. Roll Call Vote was as follows: Mr. Switzer – yes; Ms. Cottingham– yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer– 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, July 15, 2026.

The Chair introduced the second case of the evening.

Adjudication
Case BZA #2026-116
6965 E Harbor
Tibbels Marina

Request for an Area Variance to Section 3.5 to allow for an additional 21'8" of a commercial pavilion structure to encroach into the west, front-yard setback (15' proposed/ 40' required).

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 the applicant came before this Board in October 2025 (BZA-2025-215) for a similar variance to allow for a 24' x 56' multi-use Commercial Building that included a 24' x 32' Pavilion, 12' x 24' fish cleaning station and 12' x 24' space for 2 rest rooms and a utility room. A variance was granted for the proposed structure to be located 15' from the west property where a 40' front-yard setback was required. Even though the primary access to the property is from E. Harbor Road (SR 163), due to the property having frontage along Tibbels Lane, they are required to have a 40' front-yard setback along the west property line. If this property line was not along a roadway and a true side-yard, they would have been required to have a 15' setback since residential is adjoining to the west.

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At the time the 2025 request was made, the applicant had not yet contracted with an architect for the formal building plans. Now that they have, they have learned that the restrooms needed to be larger than anticipated for ADA compliance. As a result, they would like to make the overall structure larger or longer by 21'8" (or a 77'8" long building where 56' was previously approved). Specifically, the restroom area was originally planned to be 12' x 24' but is now 21'4' x 24' and the pavilion portion was planned to be 32' long and will now be 45' long.

Even though a 15' setback was approved in 2025 for the structure to be 15' from this west property line, it was only approved for the 56' building and was not a carte blanche approval to make the building larger, thus why they are back before the Board asking for additional encroachment into the front-yard setback. Because more building is being proposed, the Board needs to determine if there would be an effect on any additional adjoining properties.

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

The Chair asked if there were any questions for Ms. Dale. Mr. Switzer asked if they were just considering the extension and not the whole. Ms. Dale said it was just for the extension.

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

John Tibbels, Owner, 6965 E. Harbor, Marblehead, came forward and was sworn in. Mr. Tibbels reviewed the paperwork and stated it was as he had submitted. Mr. Tibbels said he had brought the large drawings of the project for easier viewing of where the building extension would be. Ms. Dale confirmed they were the same drawings that were included in the BZA Members packet. He said when they were making the original plans, they did not realize how big the restrooms and shower rooms would have to be to accommodate wheelchairs and be ADA compliant. He said they have about 100 veterans that come every year for a fish fry and fishing day. He said with the larger area needed for the bathroom facilities; it took up the area that was going to be designated for a pavilion. If they do not enlarge the building, he will not be able to get all of the veterans under the covering. If they extend the building, he can accommodate everyone, including the ones in wheelchairs and on crutches. He said the veterans are getting older every year that come for this day.

Mr. Shetler asked if the bathroom facilities were the same as in his original request. Mr. Tibbels said it was still two showers and two bathrooms, but the area designated for them had to be enlarged. Mr. Shetler confirmed that he was just looking for additional space to meet the larger bathrooms requirements. Mr. Tibbels said that was the reason. Mr. Switzer asked if it was the same bathroom plan going into the original space. Mr. Tibbels said it was just with more area designated to it. He said after he went to an engineer to get the true plans drawn up, it was discovered that his original plan did not contain enough room to accommodate the bathrooms and pavilion area.

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

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

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

Mr. Switzer motioned to recess into the executive session to deliberate the merits of the case. Mr. Shetler seconded the motion, and the roll call vote was as follows: Mr. Switzer – yes; Ms. Cottingham – yes; Mr. Roberts – yes; Mr. Shetler – yes; Mr. Fetzer– yes. The motion carried and the Board recessed at 6:39p.m.

Ms. Cottingham moved, and Mr. Shetler seconded the motion to reconvene. The roll call vote was as follows: Mr. Switzer – yes; Ms. Cottingham– yes; Ms. Roberts – yes; Mr. Shetler –yes; Mr. Fetzer – yes. The Board reconvened at 6:49 p.m.

The Chair asked Ms. Dale to read the Findings of Fact for BZA Case #2026-116

BZA MOTION & FINDINGS OF FACT

With regard to BZA-2026-116 being a request for an Area Variance to Section 3.5 to allow for a commercial structure to encroach into the west, front-yard setback (15' proposed/ 40' required) for the property located at 6965 E. Harbor Road:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can be used for multiple commercial uses and has ample space for new structures within the setback requirements.
2. The request **is not** substantial because the proposed building will be no closer to Tibbels Lane than the current storage structure to the south, the pump house, mobile home units and items generally stored for the marina operation. Additionally, there is a privacy fence in this general area that will help shield this building or could be extended if necessary.

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- 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 for the same reason aforementioned in #2 above, but also because all other setbacks will be met, lot coverage and building height requirements will also be satisfied.
- 4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage, etc.) because utilities are existing, 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 aware of the zoning restrictions at the time they purchased the property, however the property has been in the family for multiple generations, and zoning requirements have changed over time and likely did not exist when the original generation purchased the property.
- 6. The property owner’s predicament **can** feasibly be obviated through some method other than a variance because there is ample property to be able to construct this building in accordance with the zoning requirements and they have been previously approved for a 24’ x 56’ building in this same general location.
- 7. The spirit and intent behind the zoning requirement **would be** observed and substantial justice done by granting the variance because there is no known negative impact on adjoining properties, the request is not unreasonable, and it is the least amount needed to accomplish their goal.

Mr. Switzer 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) (7) 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: Ms. Roberts. Roll Call Vote was as follows: Mr. Switzer – yes; Ms. Cottingham – yes; Ms. Roberts – yes; Mr. Shetler– yes; Mr. Fetzer – 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, July 15, 2026.

Approval of Board of Zoning Appeals
May 20, 2026, Regular Meeting Minutes

Ms. Cottingham made a motion to approve the May 20, 2026, regular meeting minutes as presented. Mr. Shetler seconded the motion. All were in favor, motion carried.

Signing of Decision Sheets

Ms. Cottingham motioned for approval of the decision sheets as presented. Ms. Roberts seconded. All were in favor and the motion carried.

- a. **BZA-2026-082 170 Laser Ln.** 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). **Brandon Prenzlin, Owner/Applicant.**
- b. **BZA-2026-092 615 S. Bridge.** 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. **Bradley Prokop, Owner/Applicant.**
- c. **BZA-2026-093 8786 Northshore Blvd (Camp Runinmuck).** 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/5,644s.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

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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). **Camp Runinmuck New Generation (C.R.N.G), Inc., Patrick Teresi, Owner/ Applicant.**

Unfinished Business

There was none.

New Business

Ms. Dale advised the Board that Secretary, Joe Kruse had resigned from the BZA effective immediately due to personal reasons. She said Mr. Kruse had stated that he enjoyed his time on the Board. She said a new secretary would need to be appointed at the next meeting. Ms. Dale said Ms. Cottingham would probably move up and the Trustees would have to make that appointment at their next meeting. They would also have to appoint another person to fulfill her alternate term.

Other Business

There was none.

Reports and Communications from Members and Staff

There was none.

Adjournment

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

The meeting was adjourned at 6:56 p.m.

Kathryn A Dale
RECORDING SECRETARY

Joseph R. Fetzer
Joseph Fetzer

Clyde Shetler
Clyde Shetler

Sherry Roberts
Sherry Roberts

Julie Cottingham
Julie Cottingham

Jim Switzer
Board of Zoning Appeals

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