

**BROOKS TOWNSHIP
ZONING BOARD OF APPEALS HEARING
January 21, 2026
Dawn Walker – Parcel # 62-19-21-300-005
APPROVED**

1) MEETING CALLED TO ORDER

Chairman Pitzer called the meeting to order at 7:05 PM. The meeting was properly posted and a quorum of the Brooks Township Zoning Board of Appeals was present. Minutes are not a transcription as comments have been summarized for brevity and clarity.

2) ROLL CALL MEMBERS PRESENT: Mark Pitzer, John Orlikowski,
Derrick McLeod, Nick Wasmiller

MEMBERS ABSENT: Greg Myers, Julie Vitale,

MEMBERS OF THE PUBLIC PRESENT: Jerry Tuin, Zoning Administrator,
Dawn Walker, Matthew Gordon, John Atkinson, Deanna Koehler, Dave Ammerman

3) APPROVAL OF AGENDA

Moved by Nick Wasmiller, **seconded** by Derrick McLeod to approve the agenda as written. **Unanimously Approved**

4) HEARING FOR DAWN WALKER CALLED TO ORDER

A. Reason for Hearing – Dawn Walker is requesting a variance to increase the fence height allowed for property located at 7886 S. Walnut Ave., Parcel # 62-18-21-300-005.

B. ADJOINING PROPERTY OWNER'S NOTIFICATION

All property owners residing within 300 feet of the above-mentioned parcel were notified with a copy of the Public Notice December 20, 2025, for the January 21, 2026, hearing.

C. RULES OF PROCEDURE

Chairman Pitzer introduced himself and explained the order of procedure for the hearing as well as the requirements that need to be met.

D. ZONING ADMINISTRATOR COMMENTS

Zoning Administrator, Jerry Tuin reviewed reason for the appeal, the Zoning Staff Report and Overview which notes Article XVIII of Ordinance 9-17 which sets fence limits to a maximum of 6 feet in non-commercial or non-industrial areas (Ordinance information was included in the hearing packet) reference material contained in the packet including applicable ordinance information. The Overview also noted the property owners claims and rationale for their appeal.

E. APPLICANTS PRESENTATION – REASONS FOR APPEAL

Dawn Walker noted that the neighbors to the north were not respecting property boundaries. She states the problem began a couple years ago and have escalated despite attempts on their part the neighbor is not willing to cooperate. She noted that she has pictures involving harassment and states raising the fence would help to address the issues.

Matthew Gordon (friend of Dawn Walker and listed at the same address) states he personally viewed the neighbor peering over the fence for two (2 minutes he was counting the seconds) watching as Dawn was in the hot tub. To address the issue Matthew had put the fence up higher (not knowing this was against Township Ordinance). Things were quiet during that time until the neighbor reported him to the Township and Matthew was required to lower the fence. After that problems escalated again. He is confident that having the fence higher will help

Matthew also noted another instance when the neighbor raced over while he was straightening the property line out and told him he was on the wrong side of The fence line is 300 feet long and was placed two feet within Dawn's property line. He states that he was on Dawn's side of the property

Other issues were noted regarding property lines and clearing brush from the lines, and their dogs crossing over the property line. At one point Matthew contacted the police who suggested extending the fence back to the property line might help the situation. He also noted he would also like to put a fence up along the front property line (at this point Chairman Pitzer noted that Township requirements differ and addressed the differences in height and setback for front property installation.

Matthew stated he has never lived in a place where he has felt such evasion of privacy in any of the numerous places he has lived in. He wants to promote goodwill in the neighborhood.

F/G. SUPPORTING/OPPOSING STATEMENTS FROM THE PUBLIC

Supporting Statements: David Ammerman resides one house north of the clients neighbor. While he had complaints about the neighbor, there were none specific to zoning regulations.

Opposing Statements: - Greg Myers has property which connects to the applicant and opposes any fence that is higher than what Brooks Ordinance allows.

H. ZBA CHAIRMAN REVIEW

Chairman Pitzer verbally reviewed each of the six criteria referencing review information from Williams and Works (Township professional planners) specific to this issue.

He noted the following:

- The issue involves zoning criteria, and all six criteria must be met for a Zoning Variance to be approved.. He also noted that the Zoning Board is unable to address any civil issues the applicant has regarding neighborhood conflict.

- He again stressed the six (6) foot requirement for fence height in Brooks Township.

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I. ZBA MEMBER QUESTIONS/COMMENTS

Clarifying questions were asked by ZBA members

J. FINAL REBUTTAL/COMMENTS – Believes that a berm approach is not a viable answer.

K. HEARING CLOSED TO PUBLIC COMMENT Hearing was closed.

6) CORRESPONDENCE – Email from Greg Myers opposing the requestor’s request for a fence higher than the allowed six (6) foot requirement. He also noted that he recused himself (since he is a ZBA board member) prior to the hearing on the grounds that his property adjoins the affected parcels

7) FINDING OF FACTS/STANDARDS OF REVIEW ***
Incorporated into the hearing phase.

8) DELIBERATION BY THE ZBA

A conditional variance was discussed. Options were presented regarding a berm or planting of trees. .It was also suggested that the applicant attend a Planning Commission meeting in an effort to change ordinance requirements or appeal the request to Circuit Court.

9) MOTION AND ROLL CALL VOTE:

Moved by Nick Wasmiller, **seconded** by John Orlokowski to deny the request.
Unanimously Approved by Rollcall Vote. **AYES:** Mark Pitzer, Derrick McLeod, Nick Wasmiller, John Orlikowski **NAYS:** None

10) NEW BUSINESS: None

11) UNFINISHED BUISINESS – None

12) BOARD MEMBER COMMENTS: None

13) PUBLIC COMMENTS: Matthew Gordon appreciates the time by the ZBA and the various ideas presented

14) ADJOURNMENT: **Moved** by Derrick McLeod, **seconded** by John Orlikowski to Adjourn the meeting at 8:27 PM.

Respectfully submitted,
Mark Pitzer _____
Zoning Board Chairman
Date _____

Dianna Schaafsma _____
Brooks Township Deputy Clerk
Date _____