

**ONEIDA CHARTER TOWNSHIP ZONING BOARD OF APPEALS**

**HELD SEPTEMBER 7, 2021**

**AT 6:00 P.M.**

**MEMBERS PRESENT: VICE CHAIRMAN GROSTEFON, MEMBERS, WALTERS, SHILTON, AND SCHULTZ.**

**EXCUSED: MCLEAN**

**OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, APPLICANT DON WILLEMS.**

1. Call to order.
2. Pledge of Allegiance was given.
3. Additions to the Agenda, there were none.
4. Minutes of April 6, 2021. Motion was made by Mr. Walters and supported by Mrs. Schultz to approve the minutes as presented. Motion Carried.
5. Public Hearing/Variance request to allow a privacy fence taller than three feet in the front yard setback area. At 8068 Hartel Road, parcel no. 030-036-300-052-00.

Chairman Grostefon asked Mr. Willems to discuss his request for variance with the Board. Mr. Willems said he had four dogs and had made his front porch a dog kennel and put up the 24 ft. by 24 ft. fence to allow the dogs to get in and out at will as he worked 12-to-14-hour days and wanted them to be allowed to go outside safely. He said the privacy fence was to help keep down the noise as the dogs like to bark if they saw any movement outside. He said the front of the fence was 38 feet from the center of the road.

Vice Chairman Grostefon asked if Mr. Willems had anyone who could watch the dogs while he worked. He said he did not. Mrs. Schultz and Mr. Walters asked about using the rear yard and Mr. Willems said the drain field was there and the front porch was shut off from the rest of the home, so the dogs couldn't make a mess in the house. They also asked about using the south side of the house. After discussing that option and still using the front porch for access, it did not solve the problem with the front setback. There was also discussion on the north side of the home, but that is where the driveway is and there is not room there.

Mr. Walters and Mrs. Shilton discussed the front set back requirement of 60 feet and Mrs. Schultz said that since the home was built in 1904 it was grandfathered as to the setback requirement. There was no way Mr. Willems could comply with the front set back requirement.

She and Mr. Walters explained to Mr. Willems that the Board had to comply with the requirements of the Zoning Ordinance found on page 18-6 for a Use Variance. Mrs. Schultz read them to Mr. Willems. Mr. Willems said there were other fences in the area near his home with fences in the front yard and they were up right next to the road.

Mr. Walters said if someone in his area built a privacy fence in the front yard, he would come to the township to complain right away. It was explained that any action taken by the Zoning Administrator was complaint driven.

**Mr. Walters asked Mrs. Schultz if she could see a basis for a variance in this instance. Mrs. Schultz said the only hardship she could see was that Mr. Willems had no control over the front set back due to the age of the home. Therefore, there was no way he could comply with it.**

**After much discussion, Mrs. Schultz made a Motion to approve the variance as requested based on the hardship that there was no way for Mr. Willems to meet the front setback, and no other possible location for the fence. Due to that hardship, his request meets the requirements of the Zoning Ordinance for a Use Variance found on page 18-6. Motion was supported by Mr. Walters. Roll Call Vote: Aye: Walters, Schultz, Shilton. Nay: Grostefon. Motion Carried. Variance Approved as requested.**

- 6. Public Comment: There was none.**
- 7. Any Other Business: There was none.**
- 8. Adjourn Meeting. Meeting was adjourned at 6:45 p.m.  
Minutes respectfully submitted by Jan Schultz.**

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**Mr. Adam Grostefon, Vice Chairman**