

ONEIDA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS MEETING
HELD
SEPTEMBER 6, 2017

MEMBERS PRESENT: CHAIRMAN OAKLEY, MEMBERS BRUNTON,
GROSTEFON, WALTERS AND SCHULTZ

OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, SUPERVISOR
COOLEY, PETITIONER MR. HAMILTON AND MS. MC MULLEN,
RESIDENTS OF THE GRAND WILLOW DRIVE AREA.

1. Meeting was called to order at 7:00 p.m. by Chairman Oakley.
2. Approval of the Agenda. Motion was made to approve by Mr. Brunton and support was given by Mr. Grostefon. Motion Carried.
3. Minutes of December 6, 2016 were approved after discussion regarding the hardship of the case at that Meeting. Motion was made for approval by Mr. Brunton and support was given by Mr. Grostefon. Motion Carried.
4. Public Hearing as requested by Mr. Hamilton and Ms. McMullen of 12825 Grand Willow Drive, was called to order by Chairman Oakley. Chairman Oakley asked the Petitioner to address the Board regarding his request for a variance. Mr. Hamilton told the Board that he was a retired landscape business owner and he was asking for a variance of 3 foot in the height of his pole barn to allow storage of a rack system. The Ordinance allows 14 foot in height and he wants to have 17 feet in height. The reason for this

request is to allow him to use the rack system. He needed a 12-foot clearance and that would require the height of the roof line to be 17 feet and all that is allowed by the Ordinance is 14 feet. He wants to use the rack system to store his landscape equipment inside the barn. His barn will be a 30 ft. by 40 ft. barn and 1200 square feet in size. The rack system will hold 7000 pounds, it is similar to what you might see at Home Depot or another large commercial store.

He explained that he had done extensive landscaping as a business and the barn would be landscaped and trees planted for screening and there would be a porch on the barn and shutters. It would be attractive.

He presented a packet to each Board Member with a map showing the neighbors who could see the proposed building and explained the trees and landscaping that would be done to keep the area attractive. The neighbors on the map were the ones who could see the barn from their homes. The packet is attached to these minutes.

Mrs. Schultz asked what else would be in the barn besides the rack and tractor. Mr. Hamilton said he would be having a workshop inside the barn and tool storage. Mr. Brunton asked if the rack system could be modified to fit the barn without the variance of 3 feet. Mr. Hamilton said that it could not. Mr. Walters said that the equipment to be stored didn't sound like it was that tall, couldn't the system be cut down 3 feet. Mr. Hamilton said that it couldn't. He also said he wanted to keep the equipment inside and keep the area near the barn neat outside.

Chairman Oakley asked those present to comment: Mrs. Tiller a next-door neighbor said she felt that the landscaping that Mr. Hamilton was going to do would help bring up value of the property in the area and was in favor of the variance. She felt that most neighbors could only see the bottom 4 feet. And from 200 feet you can't tell if it 14 feet high or 17 feet high.

Neighbor at 12803 doesn't like the idea of a large building in the area and having it 3 feet taller makes it a looming building. To her a barn suggests out in the country not in a subdivision. She submitted a petition asking the Board to deny the variance. The wording on the petition said (We the undersigned would like to request that Oneida Township Zoning Board of Appeals Board deny the variance to raise the height limit from 14 feet to 17 feet on a proposed pole barn to be located on the property at 12825 Grand Willow Drive.) 21 people signed the petition and it is attached to these minutes.

12794 Iroquois Dr. said this is an old neighborhood and a nicely kept neighborhood and a desirable neighborhood. Some homes in the area are not 1200 square feet in size. She wants to assist in keeping the neighborhood desirable. She is on the Planning Commission and plans to bring Section 3.08 of the Zoning Ordinance up for discussion at the next meeting. She wants to discuss having it removed.

12743 Grand Willow Drive thought Mr. Hamilton should have been aware of the height requirement before he bought the property. He did not feel the pole barn was suited to the

neighborhood and asked the Board to deny the request. He also discussed the large building at the corner of Willow Hwy and Grand Willow that is currently under construction.

Chairman Oakley said he had driven through the neighborhood and saw small lawn mower shacks with stuff piled around them at several homes. They don't look good and should be cleaned up to preserve the neighborhood.

12779 Grand Willow Mr. Williams asked if the building permit had been issued for the barn. It had not been. He felt that the owner should have known the restrictions and that pole barns do not belong in the subdivision. He felt that it would be a distraction. He agreed with Chairman Oakley's statement about the lawn mower shacks.

Mr. Grostefon said there is going to be a pole barn anyway, whether the variance is granted or not and he did not feel that it would be a looming building.

Mrs. Scherer said the Subdivision is becoming a commercial rather than a residential area.

Another resident felt there should be requirements to be met for this situation. Mrs. Schultz explained that this was a Non-Use Variance because it was a dimensional request and that page 18-5 spells out exactly what requirement must be met for approval and the Board will be going over these after the discussion period.

New Neighbor to the area said the barn would be taller than the existing house. He had never seen an area where they allowed storage buildings larger than the house and had lived in all types

of neighborhoods. He did not feel that the hardship of the rack system not fitting without the variance was an issue for the neighborhood. He wanted the neighborhood to remain residential. What is the next owner going to do with it. He felt that this request effects the whole neighborhood not just the owner of the property in question.

Ms. McMullen asked to speak, she said she wanted the barn to be pretty for her benefit as well as that of the neighborhood and felt that if the barn that is currently under construction had not been there, this request would not be a problem. She also said they wanted to be good neighbors and get along with the neighbors and would do all they could to make it attractive.

The Realtor for the property owners spoke and said they had done their homework and she too felt that if the other barn was not there, there would have been no problem with this one.

New Neighbor wanted to speak again and was restating his issues. Chairman asked if he had anything new to add. He did not.

Chairman Oakley asked the Board to deliberate. Mrs. Schultz read the Conditions for a Non-Use Variance from page 18-5 of the Ordinance and said none of them could be met. She felt that the variance had to be denied.

Mr. Brunton said he had researched the Ordinance and could not find anything that would allow approval. The other large building in the area had a hardship of 3 easements on the property and that was why it was approved. He felt that we would be setting a

precedent by allowing this request and he could see no hardship. He personally didn't feel that it met the criteria.

Mr. Walters said he was on the Planning Commission as well as this Board. He had worked with the creation of an Ordinance and understood why we create ordinances. He did not feel that this request met the conditions for Non-Use Variance. He explained that 1200 feet is not the problem. That is allowed. Only under extreme and unusual circumstances do we allow this type of variance.

Mr. Grostefon asked if the owner could buy property next to their property and make 1 to 5 acres and build a barn. This could be possible. Zoning Administrator Goschka explained that this could happen because there is no Subdivision Control Ordinance in the neighborhood. These types of Ordinances are generally set up by the builder and taken over by the home owners after the area is built up. They can say no pole barns.

After all discussion, Motion was made by Mr. Walters based on the application for variance at 12825 Grand Willow Drive not meeting the requirements of Section 18.01 C. Non-Use Variance (1. Through 5.) The request for variance was denied. Support was given by Mrs. Schultz. Motion Carried with one vote no by Chairman Oakley.

5. Public Comment: There was none.
6. Meeting was adjourned at 8:15 p.m. in a Motion made by Mr. Brunton and supported by Mr. Grostefon.

Minutes respectfully submitted by Jan Schultz.

APPROVED:

Mr. Carl Oakley, Chairman.

DRAFT