

ONEIDA CHARTER TOWNSHIP ZONING BOARD OF APPEALS

HELD April 5, 2022

At 7:00 p.m.

MEMBERS PRESENT: CHAIRMAN GROSTEFON, MEMBERS, WALTERS, STAHELIN, AND SCHULTZ.

UNEXCUSED ABSENCE: MCLEAN

OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, APPLICANT MICHAEL FOX OF EATON HWY. AND MR. AND MRS. JOSHUA LASKY OF GRAND LEDGE HWY. RESIDENTS OF THE EATON HWY AND GRAND LEDGE HWY AREA AND MRS. HADDIX, SUPERVISOR COOLEY AND CLERK KILGORE.

- 1. Call to order.**
- 2. Pledge of Allegiance was given.**
- 3. Additions to the Agenda: There were none.**
- 4. Draft Minutes of November 3, 2021: Motion was made by Mr. Walters and supported by Mr. Stahelin to approve the Minutes as presented. Motion Carried.**
- 5. Public Hearing/Variance request for a 70.05-foot variance for the road frontage to build a home as the current road frontage is 94.95 feet and 165 feet is required. Parcel No. 030-004-100-030-01 at 13839 West Eaton Hwy.**

Chairman Grostefon called on Mr. Fox to discuss his request for the 70.05-foot variance. Mr. Fox said he had owned the property since 2006 and originally bought it to hunt on. He said he now wants to build a home on it at the location of the x on the map he had provided and he has a permit for a mound septic system. Mrs. Schultz asked if he knew it was not buildable when he bought it. He said that he had been told that he would need a variance to sell it. Mr. Walters asked how much of the land was woods and pond. Mr. Fox said that 40 acres was woods and 5 acres were pond. Mr. Walters asked if the rest was tillable. Mr. Fox said that it was. He explained that the pond had pipes to it and pipes out of it to the Johnson Drain on the west side of the property. Mr. Walters asked Zoning Administrator Goschka to check on the width of the other parcels in the area as one of them looks to be narrower than the others and to see if they were all 165 feet wide. Zoning Administrator Goschka did so and one of the parcels was 150 feet, one was 100 feet and one was 120 feet. Mr. Walters asked when the 165-foot requirement went into effect was it with the 2004 Zoning Ordinance? Mrs. Schultz said it was effective with the 1970 Zoning Ordinance.

Mr. Stahelin asked if the site had been a gravel pit. Mr. Fox said that it had. Chairman Grostefon asked about the elevation of the property in regards to surrounding property and regarding flooding. Mr. Stahelin asked when Mr. Fox knew he needed a variance to build. Mr. Fox said in 2018.

Mr. Walters asked Mr. Fox if he knew the requirements for a Non-Use Variance according to the Township Zoning Ordinance. Mr. Fox said that he did not. Mr. Walters read the requirements from the Ordinance for a Non-Use Variance found on page 18-5, Section C. and explained that these are the guidelines the Board had to follow for approval. Mr. Walters said he struggled with the use of the 70 acres for tilling and felt the best use was a home which would be an asset to the area.

Mr. Stahelin pointed out that there did not seem to be a problem with a home on the site with those present. He noted that we had received two letters with concerns about flooding and driveway placement and they were both unsigned. He said we have no way of knowing who wrote them or if they even live in the area. One Resident present said he had written the letter regarding flooding. Zoning Administrator read one letter that had been received and Chairman Grostefon read the other one.

Chairman Grostefon discussed the drainage issues brought up by the neighbor who wrote the letter, he said he had water in his basement recently and was concerned if Mr. Fox built a home on the site, it would deter drainage to the pond and from his property. Chairman Grostefon asked how this Board could deal with drainage problems, Zoning Administrator Goschka said the Board could put conditions on the decision that the owner contact the Drain Commission for clarification on drainage of the property. They should probably be contacted anyway due to the fact that the part of the property is in the floodplain.

Mr. Walters said he had a problem with the possible flooding and drainage of the area and wondered what the Drain Commission would do.

There was also discussion on the driveway. Mr. Stahelin asked if Mr. Fox would use the existing drive. He said no. He would put in a gravel drive for a while and eventually blacktop it.

After all discussion Motion was made by Mrs. Schultz to approve the request for the 70.05-foot variance to allow the building of a home at the site of 13839 Eaton Hwy. with the conditions that Mr. Fox contact the Drain Commission and get approval on the drainage for the area, including the impact of the driveway. Chairman Grostefon supported the Motion. Roll Call Vote: Aye: Mr. Stahelin, Mrs. Schultz, Mr. Grostefon. Nay: Mr. Walters. Absent: Mr. McLean. Motion Carried.

6. **Public Hearing/Variance:** Request for an 8-foot variance for the rear setback to build an accessory building at the back of the property on the property line to align with existing accessory building and for a 1.6 height variance of the accessory building for a total height of 23.6 feet. Parcel no. 030-007-200-015-00 at 592 E Grand Ledge Hwy. as requested by Mr. And Mrs. Lasky. Chairman Grostefon asked Mr. Lasky to discuss the request with the Board. Mr. Lasky said he wants to build a 40 foot by 60-foot building to store his camper and other equipment in. He would like to store everything inside the building. His camper is 13-foot high that is the reason for the requested height variance of 1.6. He also mentioned that he has a business and leases property in the City of Grand Ledge.
Mr. Stahelin asked if he had a survey done of the property. He said he did not but Mr. Warren had helped and laid out the property markers for him.
Mr. Brian Smith a next-door neighbor was present and said he had no problem with the construction of the pole barn or with the variances.
Mr. Walters said that the request meets the criteria of the Zoning Ordinance.
Mr. Walters made a Motion to approve the requested variance for height (allow 23.6 ft) and setback (for the south property line so the new barn is even with the existing building). Support was given by Mr. Stahelin. Roll Call Vote: Aye: Mr. Stahelin, Mrs. Schultz, Mr. Grostefon, Mr. Walters. Nay: None. Absent: Mr. McLean.
7. **Public Comment:** There was none.

8. Any other business: There was none.
9. Adjourn Meeting: Meeting was adjourned at 8:14 p.m.

Minutes respectfully submitted by Jan Schultz and Zoning Administrator Goschka

APPROVED:

A handwritten signature in cursive script, reading "Adam Grostefon", is written over a solid horizontal line.

MR. ADAM GROSTEFON, CHAIRMAN