

Village of Commercial Point
Public Hearing: Mr. Rings Out Building Variance
May 16, 2016

Mayor Joiner called the meeting to order. Administrative Assistant Baldwin took roll call with the following members present: Mr. Sadler, Mr. Townsend, Mr. Geiger, Mr. O'Neil, Mr. Laxton and Ms. Evans. Solicitor Hess and Engineer Grosse were also in attendance.

Mayor Joiner introduced Mr. Paul Rings. Mayor Joiner asked Ms. Evans if she wanted Mr. Rings to give his presentation. Ms. Evans asked for highlights of the presentation. Mr. Rings said they are requesting a variance from the current zoning of 15-foot height requirement for a building to a 25 feet height to the peak with a 3-foot cupola for a total of 28 feet for total height of the building. He said it is an outbuilding and the reason for the variance is for equipment storage to maintain his acreage of 5.8422 acres. He said also to construct a building with a 12-foot overhead door height which requires a 14" sidewall. He said they would like to maintain residential aesthetics while meeting current and future family needs. He said the mayor contacted him between the last meeting and this meeting. Mr. Rings said he sent an email to council and in part of that he tried to work with figures to see if he can reduce the height. He said they can reduce the size of the building to have a 10-foot door height which would require a 12-foot sidewall. He said if council desires they could perhaps come to an agreement for a 25-foot height building. He confirmed there are no deed restrictions on the property and confirmed they are not connected to Foxfire even though his address is Foxfire. Mr. Rings addressed rumors that have been suggested. He confirmed they are not planning to have a church in the barn. He said Mr. Hammond's business has sold, he works for the new company but has no ownership in the business. He also confirmed his father in law will not be occupying the barn. Ms. Evans asked if there has been any feedback from the golf course. Mayor Joiner said they did receive a letter regarding the Public Hearing. Ms. Evans asked if the property was originally the Graves property? Mr. Rings said yes it was, it was Reserve A and Reserve B. He said that is where they stripped all of the topsoil from the golf course and was also used as a dump for misc. items. Mr. Rings said the property was in rough shape when he purchased it but they have cleaned it up. Ms. Evans said she reached out to her neighbors and no one had any input. Mr. Albright asked Nicole why she didn't contact him because he has 23 acres. Ms. Evans clarified she just contacted the neighbors in Foxfire where she resides. Mr. O'Neil asked what the new compromise size of the building is. Mr. Rings answered 25-feet to the peak of the cupola. Ms. Evans confirmed the ordinance allows 15-feet. Mr. Rings corrected and said the zoning. He said the Ordinance states he cannot build a building larger than 3500 square feet. Mr. O'Neil asked when the previous variance request was denied was that while Mayor Hammond or Mayor Goldhart was in office? Mr. Rings said Mayor Hammond and two councils ago. Mr. O'Neil asked if he came in with something when Mayor Goldhart was in office? Mr. Rings said back when they looked to purchase the property he asked if it was a B1 property and what needs to happened to put a residence on it, which was met with a lot of opposition and he is not sure why. Mr. Albright said under Mayor Goldhart, Mr. Rings asked for a pole barn and his father in law told him he didn't know what he was talking about. Mayor Joiner advised Mr. Albright he would give him a chance to speak in a moment. Mr. O'Neil asked how tall the hay needs to be before it can be bailed? Mr. Rings said once we are able to have the equipment there then they can begin to reduce the timothy hay that is in the field to complete alfalfa. He said alfalfa doesn't get any higher than 12 inches, but timothy hay needs to be 14 inches before it can be bailed but that does not work out well with the zoning code. Mr. O'Neil said he

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asked the Zoning Inspector and he didn't know this answer and he could not find anything in the zoning book, is performing agriculture allowed on a R1 lot? Mayor Joiner said he did not know. Ms. Evans said there are gardens in town. Mayor Joiner said just like the last time, the hearing tonight is based strictly on the height of the building. He said Mr. Rings has been kind enough to come in and go through the proper channels even though he can take another route. He said we have looked at this property and next to that is Mr. Albrights 23 acres and next to that are goats, cows and horses. He said it is not a true residential lot and he has taken it from a B1. He said someone could have put in a parking lot or worse. Mayor Joiner said he would appreciate if council would focus on what we are here for, and that is the height of the building. Mr. O'Neil said these items were mention by the applicant about things he wants to do on this property and he feels the door is open and they should discuss it. Mayor Joiner asked Solicitor Hess for an opinion. Solicitor Hess said it is a Public Hearing and council can address concerns. He said Engineer Grosse and he were discussing as to the R1 and farming. He said if you look at the majority of the lots farmed in our community, they are R1. He said Maronda Homes has a parcel that has not been developed yet, which was a part of legislation they had last year when farm equipment was going through. He said it is being farmed. He said if we want to go that route, we had a serious fight the last time we attempted to take on the agricultural community. He said if we are going to do it again then we will address it uniformity. Mayor Joiner said the way the Ordinance is written is designed for the average residential lot, not a 4.88 lot. Mr. Geiger said he has not found anything official but everything he has researched anything over an acre agriculture is allowed. Mayor Joiner opened the floor for Public Comments. Mr. Albright said it is with a heavy heart because he has to face off neighbor to neighbor and they have to live together the rest of their lives. He said his first question is why was he not notified during the first Public Hearing? He asked if it was because he was in the township? Solicitor Hess said it is his understanding, Fiscal Officer Hastings in previous zoning request was informed only the village residents needed to be advised. Mr. Albright said every other mayor and councilman he has gone to and Mike Crites said any property adjacent should be notified regardless if they are in the village or the township. Solicitor Hess said he believes Fiscal Officer Hastings was told by Mike Crites only Village residents should be notified. Mayor Joiner told Mr. Albright he was correct, when they looked further into the ordinance it did say that. Mr. Albright said they should have checked farther because he has multiple properties in Commercial Point. Mayor Joiner said at this point all we can do is apologize for the oversight. Mr. Albright said he watched the previous Public Hearing on You Tube and he heard so many discrepancies. He addressed Mayor Joiner about a comment that was made in the meeting regarding them having lunch together and that Mr. Albright told Mayor Joiner he had no issues with the building. Mr. Albright said they never discussed the building during the lunch. Mayor Joiner said yes they did. Mr. Albright said no, the only time they discussed the building is when Mayor Joiner was sitting in his driveway. Mayor Joiner said he did not recall some of the discussion in the driveway but he does remember them discussing it. Mr. Albright told Mr. Rings he is not against his building; he is just against some of the things said in the video. Mayor Joiner said sitting in his chair he has no reason to sit there and tell anyone especially on recording that he said something he didn't hear. Mr. Albright told Mr. Rings again he is not against his building, he is more against his mowing next door. He told him he appreciated him mowing the other night. He said he mowed that for 15 years out of his own pocket with the understanding from Foxfire he would have first opportunity to purchase it and as a matter of fact he offered to purchase it from Mr. Rings. Mr. Rings confirmed yes he did. Mr. Albright said the

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water problem Mr. Rings got rid of is now on him. He said Reserve A and B on the backside of the golf course are not a part of Foxfire. He said if he remembers correctly when Foxfire approached him on purchasing this property, they showed him drawings of the golf course and houses that was on the golf course. He understood that only the lower land which was in the flood plain was not to be developed. He said there was supposed to be a bridge built across the creek to connect to Borrer Road. He said as a matter of fact he is sure Commercial Point still has a Right of Way there and can go back and claim that property. He asked Engineer Grosse if that was correct? Engineer Grosse said no, it was vacated. Mr. Albright said there are manholes 8 foot up out of the ground. He said at the time Ray Graves said the bridge was going to cost him \$750,000 so he backed out. Mr. Albright addressed Mr. Rings, he said he offered to purchase the property from him. He said he has 23 acres and has as much in the Village of Commercial Point as he does in the Township so he has every right to be involved in what happens in Commercial Point. He said his heart is in Commercial Point and always has been and hopes everyone respects that. He said his land would all be in Commercial Point today if not for one issue. He said when Ester Null came in as Mayor to Commercial Point she told him he needed to hook into the sewer. He started to hook into the sewer but his sewer tap was 15 feet deep because it was never extended up. Mr. Albright called the water plant Superintendent and was told he could never hook into the sewer unless he went all the way in the center of the field and hooked into it. Mr. Albright said that should not come back on him. He said Ester Null billed him for 6 months for sewer. He told her she needed to stop or he was going to have the corporation line moved like it should be, which is what he did. He said if not for that, he would have all of his property in Commercial Point. He addressed Mr. Rings and said he stated he wants to maintain residential aesthetics but yet he wants to bail hay next to him that he has to look at every day. He said maybe he will let his field grow in the back since they say on an R1 property, he can go into agriculture with it. He said he does not want that; it looks nice mowed. Mr. Albright said his building was brought up. He said his building is 16 feet tall and was built in 1972 and there were no restrictions in the Village of Commercial Point and no restrictions in the Township at that time. He said he went to both and obtained permission to build that building. He said his other property with the red barn, which was brought up, is huge. He again said he is not against his building; he is more against the agriculture that they are discussing letting him do. Mr. Albright said he has been approached numerous times by other council members and the zoning/building inspector about writing a letter complaining about his property. He said he has stated if the ordinance or the laws state 12 inches and asked why put him in the middle of it with his neighbor. He said if the laws or ordinance state 12 inches and it is 15 inches, then they should make him mow it. He again addressed PJ and told him he hoped they could be good neighbors and he is not against his building. Mayor Joiner said he knows Mr. Albright's service and how much he has dedicated to the village and he appreciates that and he is a valued member of the community. Ms. Evans asked Mr. Albright, are you really not against the building? Mr. Albright said Mr. O'Neil called him and told him about it and he is not against the building but afraid it is setting a precedence. He said he knows two people that were turned down under Mayor Hammond about building a building to put motorhomes in and they are very upset over it. He ended with he is not against the building. Ms. Evans said it feels like there is a compromise both ways, Mr. Rings started with a larger building but does agree with what happens back there after that is a different conversation and it sound like Mr. Albright is concerned with that. Mr. Albright said in the You Tube video it seems Mr. Rings talking about going to agriculture and farming it. He said that bothers him more than the

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building. He said he has been told over the years that he could never go back to anything else since he is R1. He said his property used to be all agriculture. Mayor Joiner told Mr. Albright his comments are valid and going back to what Ms. Evans said, the biggest thing he wants to concentrate on tonight is the variance which is the height of the building. He said if something comes up down the road, they can deal with it on that day. Mr. Albright said Mr. Rings has given up a lot from where they started in the size and he doesn't see that much difference, if he is going to be given a variance, give it to him all the way. Ms. Evans asked if the variance has been amended? Solicitor Hess said right now the variance is as written. He said if council would entertain a conversation and say they feel more comfortable with a different height then he could choose to say yes or decline it and proceed. Mr. Geiger asked if the cupola is necessary? Mr. Rings said he feels it would dress it up and is trying to have it look like a residential outbuilding, not just an average barn. Mr. Geiger asked if he planned on painting it the same color as the house? Mr. Rings said he wanted to keep it neutral. Ms. Evans asked him if he feels like he is at the minimum with the size? Mr. Rings said yes he does in order to use it as planned. Mayor Joiner said they will not vote tonight and they have 30 days to render a decision. He said he is anticipating voting on this during the June 6th meeting.

Mr. Sadler made a motion to adjourn. Mr. Geiger seconded. All in favor, meeting adjourned.

Gary Joiner, Mayor

Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant