

**CHARTER TOWNSHIP OF FLUSHING**  
**6524 N. SEYMOUR ROAD**  
**FLUSHING, MI 48433**  
***SPECIAL ZONING BOARD OF APPEALS MINUTES***

**DATE: February 26, 2019** **TIME: 7:30 P.M.**  
**PHONE: 810-659-0800** **FAX 810-659-4212**  
**WEB PAGE: <http://www.flushingtowship.com>**

**MEMBERS OF ZONING BOARD OF APPEALS**

Edward Henneke, Chair  
Richard Vaughn, Vice Chair  
Mark Newman – Planning Commission Representative  
James Sarka  
Timothy Lloyd

Joyce A. Wilson – Recording Secretary

**I. CHAIR EDWARD HENNEKE**, opened the meeting at 7:30 p.m. with Roll Call and the Pledge to the American Flag.

**ROLL CALL:** Edward Henneke, James Sarka, Richard Vaughn, Timothy Lloyd and Mark Newman

**MEMBERS ABSENT:**

**OTHERS PRESENT:** 10 other individuals present

**II. APPROVAL OF AGENDA:**

**MR. NEWMAN MOVED**, supported by Mr. Vaughn to approve the agenda as submitted.

Chairman Henneke asked that the agenda be amended by moving Election of Officers and Approval of Meeting Dates to Items 3 and 4 under New Business and move the Old Business Item, Variance request of Patrick Scanlon to divide vacant land on Carpenter Road, to the first item under New Business.

**MR. NEWMAN AMENDED HIS MOTION TO REFLECT THE CHANGES**, supported by Mr. Vaughn.

**THE MOTION CARRIED UNANIMOUSLY.**

**III. PUBLIC COMMENTS:** Public Comments were given after each applicant gave their presentation on their requests.

**IV. APPROVAL OF PREVIOUS MINUTES:**

**MR. VAUGHN MOVED**, supported by Mr. Sarka to approve the minutes of the January 8, 2019 ZBA Meeting.

**THE MOTION CARRIED UNANIMOUSLY.**

**V. UNFINISHED BUSINESS:** No unfinished business

**VI. NEW BUSINESS:**

1. Variance request of Patrick Scanlon to divide vacant land on Carpenter Road, P.P.#08-24-300-032 outside the State Statute, which states the depth of a lot cannot be more than four (4) times the width.

Mr. Patrick Scanlon, Jr. was present representing his father with this request. He explained the plan to divide the property. Several residents from the area in question were present in the audience and Mr. Scanlon answered their inquiries and concerns.

After reviewing the request and with no opposition from the audience, the following motion was made:

**MR. NEWMAN MOVED**, supported by Mr. Vaughn to approve the request of Mr. Patrick Scanlon to divide vacant land on Carpenter Road P.P.#08-24-300-032 outside the State Statute, which states the depth of a lot cannot be more than four (4) times the width as it would make good use of the property, along with adding value and each lot would still be 165 ft. wide.

**THE MOTION CARRIED UNANIMOUSLY.**

2. Request of Mark St. John for a variance to the Common Drive and Private Road Requirements, Section 20-304 and 20-305 of Article III General Provisions at 9223 West Coldwater Road, P.P.#08-22-200-070.

Mr. Mark St. John was present and explained his request to the Zoning Board. There was lengthy discussion along with question and answers of Mr. St. John by the Zoning Board. Chairman Henneke read aloud three letters which were received in opposition to the request. Also, two members of audience spoke in opposition to the request. Several conditions were discussed by the Zoning Board which should be attached to any motion for approval.

**MR. NEWMAN MOVED**, supported by Mr. Vaughn to approve the request of Mark St. John, acting on behalf of his mother, for the property commonly known as 9223 West Coldwater Road, P.P.#08-22-200-070 with the Zoning Board of Appeals to act under its authority as granted in Sec. 20-2208 specifically referring to subparagraph A, subsection 3 addressing the issue of how the strict enforcement of the provisions of the zoning ordinance when reasonably prevented from using the property or his mother using the property in order to be able to split off the property and convert the barn into a residence, without us granting it, the structure cannot be used for that purpose. It is a very unique property, that it is a pre-existing nonconforming use on a private road. This situation has existed in the property for a number of decades. It was not created by

the person applying for it or done in any way in which to impinge upon other’s rights. I would move that it also serves as a substantial justice to allow someone to use the property in which they desire and to allow them to build a very limited structure pursuant to conditions that I will state in this motion in a moment and I also believe that the requested variance is not contrary to the spirit or intent of the zoning district because it is consistent with the surrounding parcels and residences. I would make the approval subject to three conditions, one being that the residential structure should be from converting the barn that is in the northern most part of the property to be split and that it not be a conversion of the other structures and that no additional residential structure could be constructed in the future, that the portion of the parent parcel of 9223 W. Coldwater’s driveway that accesses the private drive to the property to be split and the property referred to as the Mullett’s property be abandoned by the owner of 9223 West Coldwater Road who is also the applicant and that finally that the applicant, if the split is granted, will obtain a detailed survey outlining not only the property that has been split but also the right-of-way driveway that will be used to access it and the property to the south currently owned by the Mullett Family.

Mr. Sarka asked that the motion be amended by stating, “subject to the barn being converted to a residence”. Mr. Newman so moved with Mr. Sarka supporting.

**THE MOTION CARRIED UNANIMOUSLY.**

3. Approval of Meeting Dates

**MR. NEWMAN MOVED**, supported by Mr. Lloyd to approve the meeting dates for 2019 with a change of the September date from the 3<sup>rd</sup> to September 10, 2019.

January 8, 2019            May 7, 2019            September 10, 2019            January 7, 2020

**THE MOTION CARRIED UNANIMOUSLY.**

4. Election of Officers

**MR. NEWMAN MOVED**, supported by Mr. Sarka to keep the current Officers in place, i.e. Edward Henneke – Chairman, Richard Vaughn – Vice Chair

**THE MOTION CARRIED UNANIMOUSLY.**

**VII. NEXT REGULAR SCHEDULED MEETING TO BE HELD TUESDAY, MAY 7, 2019 AT 7:30 P.M.**

**VIII. ADJOURNMENT:** It was moved and supported to adjourn the meeting at 9:12 P.M.

**THE MOTION CARRIED UNANIMOUSLY.**

---

**EDWARD HENNEKE**, Chair

---

**JOYCE A. WILSON**, Recording Secretary

---

**RICHARD VAUGHN**, Vice Chair

---

Date Approved

02 26 19