

# CHARTER TOWNSHIP OF FLUSHING

6524 N. Seymour Road, Flushing, MI 48433

P (810) 659-0800 F (810) 659-4212

www.flushingtowship.com

## ZONING BOARD OF APPEALS SPECIAL MEETING AGENDA

DATE: JULY 17, 2023

TIME: 7:00 P.M.

### MEMBERS OF ZONING BOARD OF APPEALS

Chair – Steve Moulton

Andrew Eichorn

Vice Chair – Richard Vaughn

James Sarka

Planning Commission Representative – Craig Davis

Makenzie Dearlove, Recording Secretary

#### I. CALL THE MEETING TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

#### II. APPROVAL OF AGENDA

#### III. APPROVAL OF PREVIOUS MINUTES: MAY 2, 2023

#### IV. PUBLIC COMMENTS: Pertaining to Agenda Items Only. Each speaker limited to three minutes.

#### V. UNFINISHED BUSINESS: None

#### VI. NEW BUSINESS

1. Public Hearing for the Variance Request for parking space requirements for the proposed store to be located at the S.W. Corner of N. Elms Road and Mt. Morris Road, Flushing, Michigan 48433, Parcel Number: 08-12-200-014, pursuant to *Flushing Township Code of Ordinances, Chapter 36, Article 5, Sec. 36-501 Off-Street Parking Requirements (B)3 Commercial Uses.*
2. Motion on the Variance Request for parking space requirements for the proposed store to be located at the S.W. Corner of N. Elms Road and Mt. Morris Road, Flushing, Michigan 48433, Parcel Number: 08-12-200-014, pursuant to *Flushing Township Code of Ordinances, Chapter 36, Article 5, Sec. 36-501 Off-Street Parking Requirements (B)3 Commercial Uses.*

**VII. NEXT REGULAR MEETING:**

TUESDAY, SEPTEMBER 5, 2023 AT 7:00 P.M.

**VIII. ADJOURNMENT**

A handwritten signature in black ink, appearing to read 'C. Czyzjo', is written over a horizontal line.

**CHRIS CZYZJO**, Zoning Administrator  
Charter Township of Flushing

**DRAFT**

**CHARTER TOWNSHIP OF FLUSHING**

**6524 N. SEYMOUR ROAD, FLUSHING, MI 48433**  
**P (810) 659-0800 F (810) 659-4212**  
**www.flushingtowship.com**

**ZONING BOARD OF APPEALS MINUTES**

**DATE: MAY 2, 2023 TIME: 7:00 P.M.**

**MEMBERS OF ZONING BOARD OF APPEALS**

Chair – Steve Moulton Andrew Eichorn  
Vice Chair – Richard Vaughn James Sarka  
Planning Commission Representative – Craig Davis  
Makenzie Dearlove, Recording Secretary

**PRESENT:** Sarka, Moulton, and Eichorn

**ABSENT:** Vaughn amd Davis

**OTHERS PRESENT:** Two other individuals were present.

**I. MEETING CALLED TO ORDER** at 7:00 P.M. by Zoning Board of Appeals  
Chairperson Moulton with Roll Call and Pledge to the American Flag.

**II. APPROVAL OF AGENDA:**

**MR. SARKA MOVED**, supported by Mr. Eichorn to approve the agenda.

**THE MOTION CARRIED.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**MR. MOULTON MOVED**, supported by Mr. Sarka to approve the minutes of the June 14, 2022 meeting.

**ACTION ON THE MOTION**  
**ROLL CALL VOTE:**  
**AYES:** Moulton, Eichorn, and Sarka  
**NAYS:** None

**ABSENT:** Davis and Vaughn  
**THE MOTION CARRIED.**

**IV. PUBLIC COMMENTS**

**OPEN FOR PUBLIC COMMENTS 7:03 P.M.**

Zoning Administrator Chris Czyzio gave a short description of the the zoning activities taking place in the Township.

**CLOSED FOR PUBLIC COMMENTS 7:06 P.M.**

**V. UNFINISHED BUSINESS**

None

**VI. NEW BUSINESS**

1. Election of Officers

**MR. SARKA MOVED**, supported by Mr. Eichorn that Steve Moulton remains the Chair of the Zoning Board of Appeals.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Moulton, Sarka, and Eichorn

**NAYS:** None

**ABSENT:** Davis and Vaughn

**THE MOTION CARRIED.**

**MR. SARKA MOVED**, supported by Mr. Eichorn that Richard Vaughn remains the Vice Chair of the Zoning Board of Appeals.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Sarka, Eichorn, and Moulton

**NAYS:** None

**ABSENT:** Davis and Vaughn

**THE MOTION CARRIED.**

2. Approval of 2023 Zoning Board of Appeals meeting dates

**MR. EICHORN MOVED**, supported by Mr. Moulton to approve the 2023 Zoning Board of Appeals meeting dates.

**ACTION ON THE MOTION**  
**ROLL CALL VOTE:**  
**AYES:** Three (3)  
**NAYS:** Zero (0)  
**ABSENT:** Two (2)  
**THE MOTION CARRIED.**

**X. NEXT REGULAR SCHEDULED MEETING**

TUESDAY, SEPTEMBER 5, 2023 AT 7:00 P.M.

**XI. ADJOURNMENT**

With no further business, the meeting adjourned at 7:11 P.M.

\_\_\_\_\_  
STEVE MOULTON, Chairperson

\_\_\_\_\_  
MAKENZIE DEARLOVE, Recording Secretary

\_\_\_\_\_  
Date of Approval

# VARIANCE REQUEST FORM

Variance Request  
Variance Fee: \$800.00  
Date Paid: 06-14-23  
Date Notice was Published: pending  
Date of Public Hearing: pending  
Affidavit Attached: yes

**PAID**  
JUN 14 2023  
CHARTER TOWNSHIP  
OF FLUSHING

## FLUSHING TOWNSHIP ZONING BOARD OF APPEALS VARIANCE REQUEST

Required information from owner or person having interest in requesting Zoning Board of Appeals (ZBA) review and opinion.

1. Name of applicant/owner requesting ZBA review and opinion.

A. Applicant

Name: Wolgast Acquisition Corporation  
Address: 4835 Towne Centre Rd. Suite 203 Saginaw, MI 48604  
Phone: [REDACTED]

B. Owner of property if different than above

Name: Wolgast Acquisition Corporation  
Address: 4835 Towne Centre Rd. Suite 203 Saginaw, MI 48604  
Phone: [REDACTED]

2. Location of Property:

Street number and name: SW Corner of N Elms and Mt Morris Rd  
Property tax identification number: 08-12-200-014  
Legal description of property involved: A POL BEG AT NE COR OF SEC TH S 88 DEG 55 MIN 47 SEC W 449.88 FT TH S 0 DEG 00 MIN 50 SEC W 249.94 FT & S 0 DEG 04 MIN 15 SEC W 315.21 FT TH N 89 DEG 22 MIN 41 SEC E 200 FT TH N 118.48 FT TH E 250.04 FT TH N 450 FT TO POB SEC 12 T8N R5E  
List deed restrictions and easements: \_\_\_\_\_

Present zoning of property: C-2 General Commercial

3. With all requests, a plot plan drawn to scale (1" = 20') showing lot, location of existing buildings, proposed buildings and additions to existing buildings, plus distance from property line, is required.

4. Answer the following questions of the affidavit:
- a. Will the strict enforcement of the provisions of the township zoning ordinance unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome? The requirement to provide 87 parking spaces is excessive  
If yes, how? and unnecessary. A building of this size does not accommodate this many visitors.  
Further, this amount of parking (87 spaces) overburdens the municipal storm water system with the  
added capture of surface water flowing in to the system. The additional storm water can also create  
a safety hazard during times the restricted flow backs up into the property.
  - b. Is the need for a variance due to unique circumstances of the property? No, it is not.  
If yes, please describe. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - c. Did you create the problems you are trying to get around? Yes, in a sense that we are providing  
what the tenant has provided as an adequate amount of parking for the size of the store.
  - d. Will the requested variance confer special privileges that are denied other properties  
similarly situated and in the same zoning district? No, we not do not believe it will.
  - e. Will the requested variance be contrary to the spirit and intent of this zoning district and  
public safety? No, we not do not believe it will as parking ordinances thought out the state are out dated  
in relation to the amount of parking required per retail square footage.

**ACKNOWLEDGEMENT AND CERTIFICATION:** It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that in case of cancellation or failure of the owner or his representative to appear at the hearing, I understand that all fees will be forfeited.

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner  
(If different than applicant)

**ZONING BOARD OF APPEALS:**

The Zoning Board of Appeals (ZBA) having reviewed the submitted data do hereby:

( ) APPROVE ( ) DISAPPROVE the application for the following reasons: \_\_\_\_\_

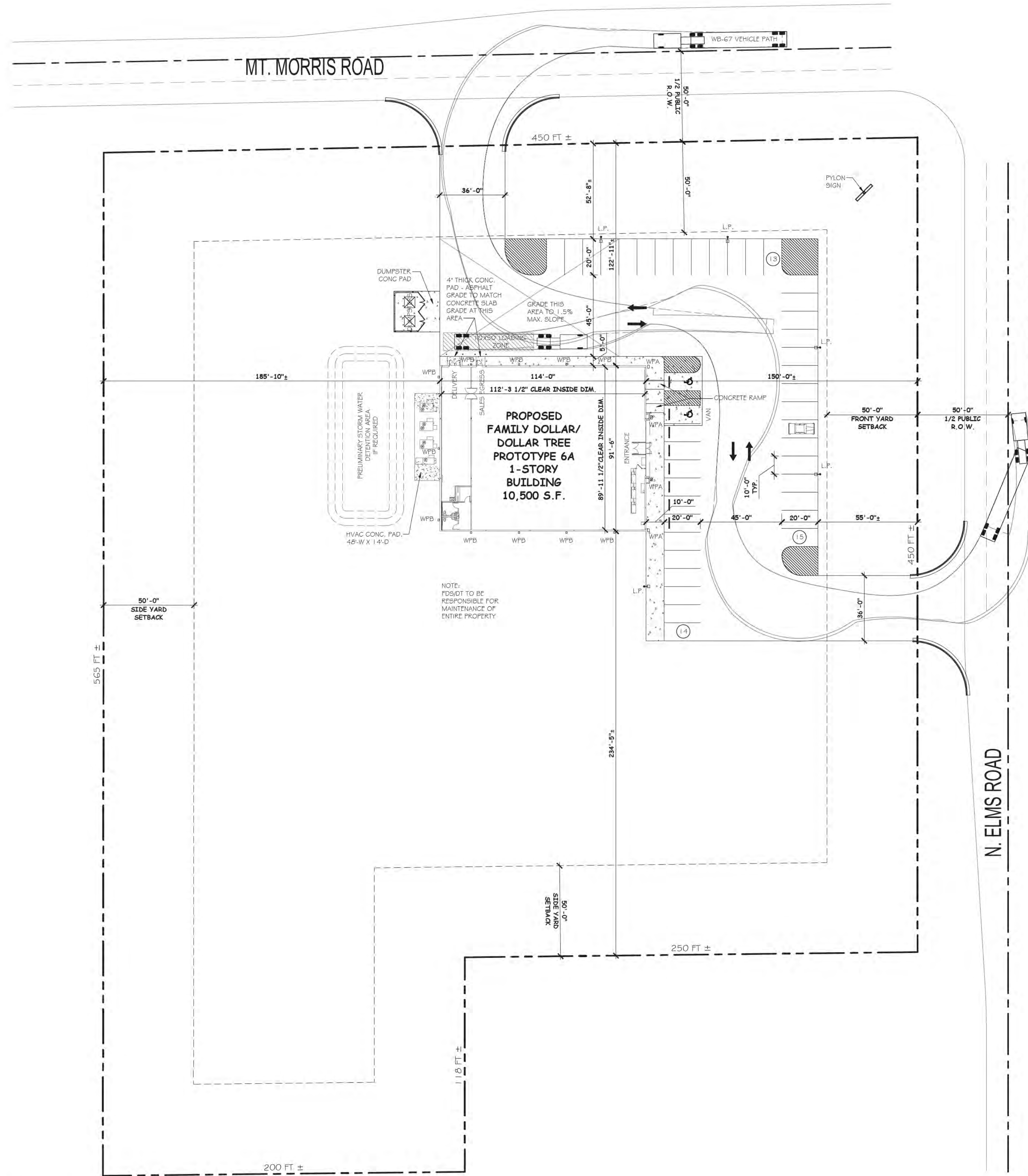
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If approved, are there conditions? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Zoning Board of Appeals Chairperson



PARKING	
PARKING REQUIREMENT:	10' x 20' SPACES 1 SPACE PER 100 S.F. OF SALES AREA SALES AREA: 8,607 S.F. / 100 SF = 87 SPACES 42 SPACES PROVIDED (VARIANCE REQUIRED)
ZONING	
ZONED:	C-2 GENERAL COMMERCIAL
SETBACKS:	FRONT - 50' SIDE - 50' REAR - 50'
MIN. LOT AREA:	22,500 S.F.
MIN. LOT WIDTH:	150'
MIN. LOT DEPTH:	150'
MAX. BLDG. HT.:	2.5 STORIES
MAX. COVERAGE:	N/A
FLOOD PLAIN INFORMATION	
TOWNSHIP OF FLUSHING GENESSEE COUNTY, MICHIGAN COMMUNITY NUMBER: 260396 MAP NUMBER: 26049C0152D EFFECTIVE DATE: SEPTEMBER 25, 2009 ZONE X	

**UTILITY NOTE**

THE UTILITY LOCATIONS AS HEREON SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE SIZE, LOCATION, DEPTH, PRESSURE, OR ANY OTHER CHARACTERISTICS OF UNDERGROUND UTILITIES, TANKS OR SEPTIC FIELDS WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OF COMPLETENESS OF THE BURIED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL MISS DIGG (1-800-482-7171) A MINIMUM OF THREE WORKING DAYS PRIOR TO ANY EXCAVATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND MAKE EVERY EFFORT TO PROTECT AND/OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/SURVEYOR AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND.



**LOCATION MAP**  
SCALE: NONE



**PROPOSED SITE PLAN**  
SCALE: 1" = 30' - 0"

**WALGAST DESIGN GROUP, LLC**  
ARCHITECTS • ENGINEERS  
DESIGN BUILD  
1494 N. GRAHAM RD. • FREELAND, MI 48623 • PH

**FAMILY DOLLAR**  
PROPOSED NEW BUILDING FOR:  
N. ELMS ROAD  
FLUSHING, MICHIGAN

PRELIMINARY  
NOT FOR  
CONSTRUCTION

REVISIONS:

DRAWN BY:  
A.D.V.

DATE:  
12-21-22

PROJECT NUMBER:  
A22400

SHEET NUMBER:  
**C1.00**

COPYRIGHT 2022 WALGAST DESIGN GROUP, LLC. UNAUTHORIZED USE, TRANSMISSION OR REPRODUCTION OF THIS DRAWING IS PROHIBITED.





2 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

### EXTERIOR FINISH SCHEDULE

KEYNOTE	HATCH	DESCRIPTION	COLOR
PNL-0		1/8" FLUTED DESIGNER SERIES CONCEALED FASTENER METAL SIDING PANELS- 24 GAUGE	LIGHT STONE
PNL-1		1/2" PW-1 20-0 CONCEALED FASTENER METAL SIDING PANELS- 24 GAUGE	LIGHT STONE
PNL-2		1/2" PW-1 20-0 CONCEALED FASTENER METAL SIDING PANELS- 24 GAUGE	ALMOND
RF-1		3"-24 GAUGE DOUBLE LOK GALVALUME METAL ROOF SYSTEM	SOLAR WHITE
RAKE		SCULPTURED RAKE TRIM (PROVIDED BY METAL BUILDING MANF.)	MBCI SIGNATURE 200 - LIGHT STONE
PC		24 GAUGE KYNAR COATED METAL COPING (PROVIDED BY METAL BUILDING MANF.)	SHERWIN WILLIAMS 'SAFETY RED' ON FD SIDE AND 'ENVY' ON DT SIDE
DNS		GALVANIZED METAL DOWNSPOUT (SIZED & PROVIDED BY METAL BUILDING MANF.)	MBCI SIGNATURE 200 - LIGHT STONE
GTR		GALVANIZED METAL GUTTER (SIZED & PROVIDED BY METAL BUILDING MANF.)	MBCI SIGNATURE 200 - LIGHT STONE
SCNC		LED EXTERIOR WALL PAK LIGHT @ 12'-0" A.F.F. (SEE ELECTRICAL)	
WPK		LED PATRIOT WALL SCONCE @ 8'-8" A.F.F. (SEE ELECTRICAL)	BR2 - 'BRONZE'
DAF		STEEL DOOR & HOLLOW METAL FRAME	SHERWIN WILLIAMS - SW7037 'BALANCED BEIGE'

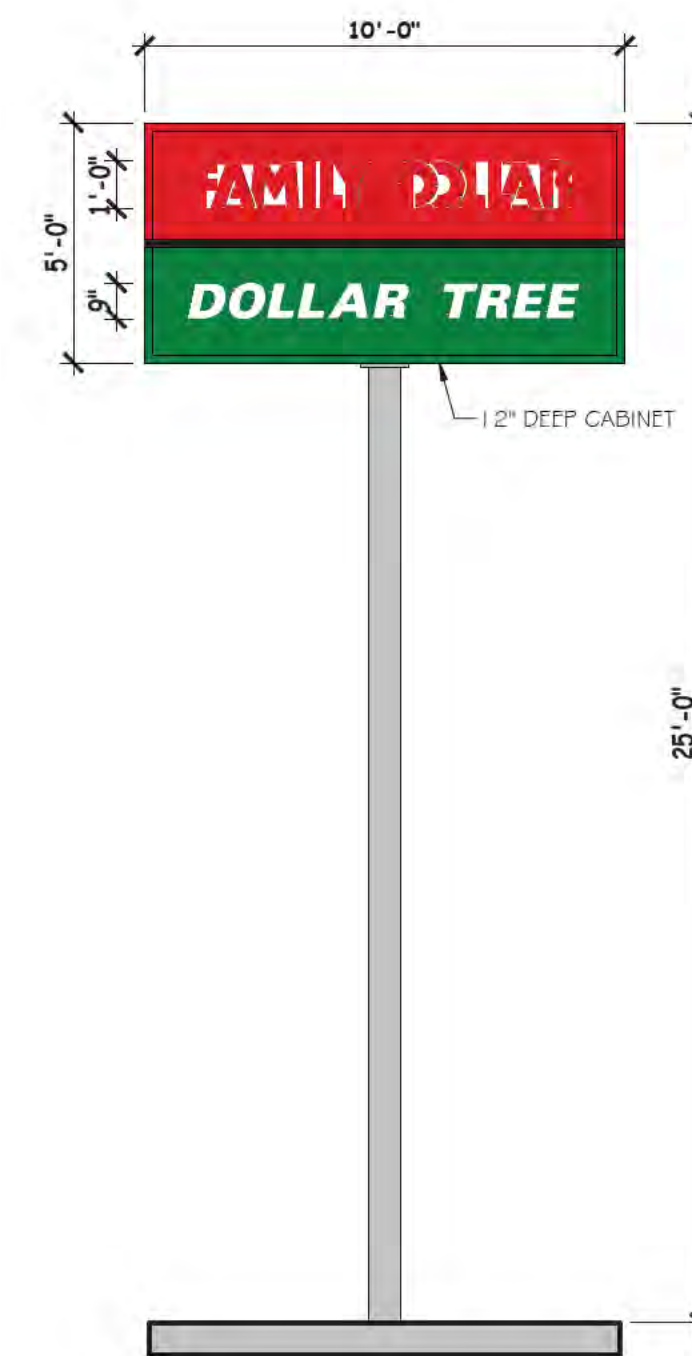
**PAINTING NOTES:**

CMU - (1) COAT OF S-W LOXON BLOCK SURFACER A24W200 (OR EQUAL).

DUMPSTER ENCLOSURE- (2) COATS OF S-W CONFLX XL ELASTOMERIC HIGH BUILD COATING, A5-400 SERIES (OR EQUAL)

METAL- (2) COATS OF S-W METALTEX ACRYLIC SEMI-GLOSS (B42 SERIES)

LINTELS- PAINT STOREFRONT LINTELS PER 'METAL' NOTE ABOVE WITH SHERWIN WILLIAMS 'BALANCED BEIGE' SW7037 AFTER PRIMING WITH (1) COAT OF S-W PRO INDUSTRIAL PRO-CRYL UNIVERSAL PRIMER (B66-310 SERIES)



3 PYLON SIGN  
SCALE: 1/4" = 1'-0"

#### RSX1 LED Area Luminaire

**TYPE SA (15' MOUNTING HEIGHT)**

**Specifications**

- Beam Spread: 3.57° @ 15.0 m
- Length: 21.8" (554 mm)
- Width: 13.7" (348 mm)
- Height: 3.9" (100 mm)
- Weight: 2.2 lbs (1.0 kg)

**Ordering Information** EXAMPLE: RSX1 LED P4 40K 83 MVOLT SPA D050X

Part	Code	Description	Notes
RSX1	P4	40K 83 MVOLT SPA D050X	

#### NEL LED WALL SCONCE

**PART# XWM-2-LED**

**DESCRIPTION**

Exterior emergency wall pack. Rugged die cast aluminum housing with factory prewired sensor and optical unit. Bronze finish.

**Specifications**

- 120-277V
- 4000K
- 8000lm
- 0-30V dimming
- 70° CRI
- 40°C to 50°C operating temperature

**Dimensions**

**Applications**

Subtle for building perimeter, entrances, stairwells and security lighting.

PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS:

DRAWN BY: **A.D.V.**

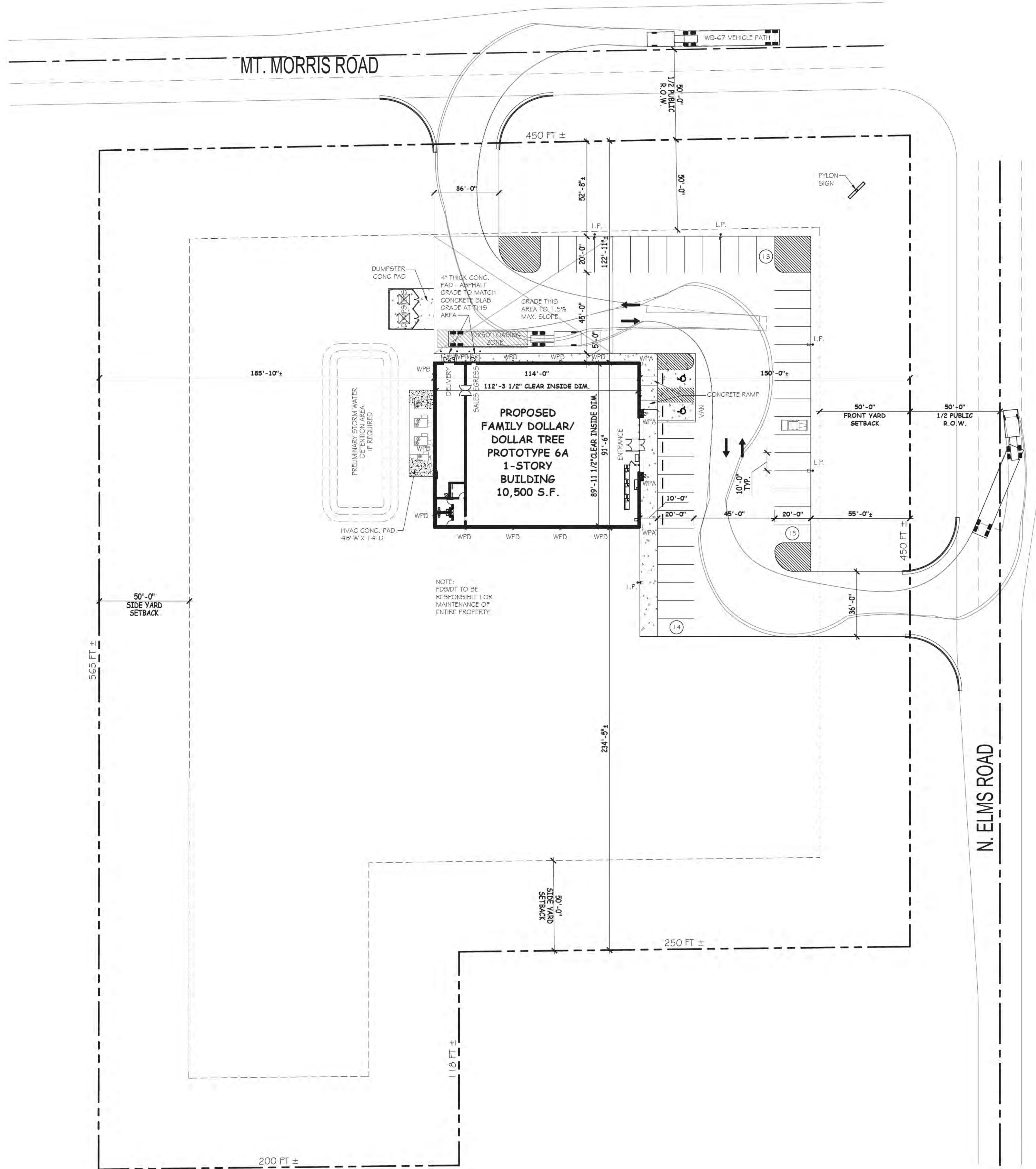
DATE: **12-21-22**

PROJECT NUMBER: **A22400**

SHEET NUMBER: **C1.01**

COPYRIGHT © 2022 WOLFGANG DESIGN GROUP, LLC. UNAUTHORIZED USE, TRANSMISSION OR REPRODUCTION OF THIS DRAWING IS PROHIBITED.





PARKING	
PARKING REQUIREMENT:	10' x 20' SPACES 1 SPACE PER 100 S.F. OF SALES AREA SALES AREA: 8,607 S.F. / 100 SF = 87 SPACES. 42 SPACES PROVIDED (VARIANCE REQUIRED)

ZONING	
ZONED:	C-2 GENERAL COMMERCIAL
SETBACKS:	FRONT - 50' SIDE - 50' REAR - 50'
MIN. LOT AREA:	22,500 S.F.
MIN. LOT WIDTH:	150'
MIN. LOT DEPTH:	150'
MAX. BLDG. HT.:	2.5 STORIES
MAX. COVERAGE:	N/A

**FLOOD PLAIN INFORMATION**

TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN  
COMMUNITY NUMBER: 260396  
MAP NUMBER: 26049C0152D  
EFFECTIVE DATE: SEPTEMBER 25, 2009  
ZONE X

**UTILITY NOTE**

THE UTILITY LOCATIONS AS HEREON SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE SIZE, LOCATION, DEPTH, PRESSURE, OR ANY OTHER CHARACTERISTICS OF UNDERGROUND UTILITIES, TANKS OR SEPTIC FIELDS WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OF COMPLETENESS OF THE BURIED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL MISS DIGG (1-800-482-7171) A MINIMUM OF THREE WORKING DAYS PRIOR TO ANY EXCAVATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND MAKE EVERY EFFORT TO PROTECT AND/OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/SURVEYOR, AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND.



**LOCATION MAP**  
SCALE: NONE

**3 WORKING DAYS!**  
**BEFORE YOU DIG**  
**CALL MISS DIG**  
**800-482-7171**  
(TOLL FREE)

PRELIMINARY  
NOT FOR  
CONSTRUCTION

REVISIONS:

DRAWN BY:  
**A.D.V.**

DATE:  
**12-21-22**

PROJECT NUMBER:  
**A22400**

SHEET NUMBER:  
**C3.00**

Additional information for Parking Variance Request:

As a background for our request, we have applied for a parking variance in multiple jurisdictions throughout the state and received the approval of those variances. It seems to be a recurring case that the parking requirements set forth in these cities, townships, and villages around the state are that the parking requirements seem to be behind what is realistic. These jurisdictions that have granted parking variances to us for these store include, Montrose Township, City of Au Gres, City of Sebewaing, Sherman Township (Isabella County), City of Reading, Richfield Township (St. Helen), City of Nashville, Vassar, Pinconning, and Albert Township (Lewiston).

Family Dollar / Dollar Tree gives the same requirement of 3.5 parking spaces per 1,000 square feet of the gross building area plus a minimum of 2 handicap spaces for all their freestanding stores around the country. Our site meets that requirement Family Dollar / Dollar Tree sets forth for all their stores. This is a requirement that Family Dollar / Dollar Tree has determined to be the proper amount of parking for their stores to avoid having overly large parking lots with unused space.