

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION MEETING

DATE: OCTOBER 5, 2009

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Richard Buell

Jerome Doyle, Vice Chair

Ronald Flowers

Eric Swanson, Secretary

David Gibbs

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Swanson, Flowers, Gibbs, Purkey, and Morford

ABSENT: Buell

OTHERS PRESENT: 4 other individuals

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair
MARK NEWMAN with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Doyle to adopt the
Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF SEPTEMBER 14, 2009: DOYLE MOVED,
seconded by Flowers to approve the Minutes of September 14, 2009 as amended. **MOTION
CARRIED**

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. Brian Grappin, 8515 Wesley Drive, Flushing, MI 48433

Informal Hearing Regarding a Home Occupation.

Mr. Grappin was not in attendance. He will contact the township the next time he would like to be placed on the Agenda.

2. Gary Johnston, 11344 W. Carpenter Road, Flushing, MI, 48433
Informal Hearing Regarding a Pole Barn on the Front Side of the House

MRS. JANET JOHNSTON (Mrs. Johnston) was present for the informal hearing regarding a request of a pole barn on the front side of the house. Mr. & Mrs. Johnston have a total of 44.6 acres of property. They are in the process of selling the existing house and three (3) acres of property for which the pole barn would not be included with the three (3) acres. If someone wanted to purchase the house, the Johnstons would like to have the option of the pole barn being placed, as indicated on the Certified Survey drawing, in front of the house. There are circumstances where the pole barn could not be placed in the back of the house such as: 1) power lines, 2) a large pond, and 3) huge pine trees taller than the Johnstons two (2) story house. The area selected for the pole barn would give entry into the pole barn from the existing driveway. A lot of vacant property is located behind the house and West to Duffield Road.

Mrs. Johnston stated the property has been staked out. The idea of placing a pole barn has always been an issue because the current pole barn is so far away from the house. The Johnstons would like to construct a home on the West side of the current home where a "green house" is in the process of being sold and torn down.

QUESTIONS FROM THE PLANNING COMMISSION MEMBERS:

1. **NEWMAN** wanted to know if a split application had been obtained regarding Parcel C with the house and the pond?
ANSWER: The Johnstons did not want to split the property until the property was actually sold but have obtained information from the Flushing Township Assessor regarding the split process. A formal survey has been obtained. The sale of the house is in the hands of a Real Estate Agent and they are aware that the split has not taken place. Something could be put in the purchase agreement to where the pole barn would be contingent on the split of the property.
2. **NEWMAN** felt the Planning Commission should analyze the property as it is today, which consists of a large parcel; it would be hard to analyze set backs and other issues in order to give approval.
3. **PURKEY** stated the fifty-four (54) foot from the center of the road to the edge of the pole barn, which would be 30' x 40', would leave twenty-one (21) foot to the right of way. It would be a little close. The pole barn could not be constructed on the left side of the property, facing the house, because of power lines.
4. **PURKEY** stated the idea is to sell the property and to establish that a pole barn could be placed in the front of the house which could affect the house from being sold.

QUESTIONS FROM MRS. JOHNSTON:

1. How long would it take to get a variance? (**NEWMAN** stated the Planning Commission met on the second Monday of each month. If the issue was placed on the Agenda, and the Commission Members had all the information in front of them and had time to review the “real issue”, it would be a quick decision. The Johnstons would have to obtain a copy of the ordinance and a check list; a complete application would have to be filled out. If the request was approved, the Johnstons could apply for a building permit at that particular time.
2. The Johnstons property is zoned agriculture, so would they need a building permit? (**NEWMAN**: if the Johnstons were going to build after the split, they would need a building permit).
3. What would be the cost to get a variance? (**NEWMAN**: there would not be a charge if the Johnstons come before the Planning Commission at a regular scheduled meeting. If for some reason the matter had to be sent out to someone for further review, there could be an extra cost).
4. If the property was split and the Johnstons decided to build a new house, would they have to apply for a building permit? (**NEWMAN**: if there was a split it would be considered a legal piece of property, so the Johnstons would have to apply to the State Building Inspector).
5. **DOYLE** stated in order to obtain a building permit, the ordinance requirements would have to be abided by for issues such as set backs so the house would be properly situated on the property.
6. **DOYLE** stated the ordinance, concerning structures that are built in the front yard, were set up for people that lived by the river and wanted to build a structure in their front yard because the house was a long distance or four hundred (400) foot from the road. The Planning Commission allowed the construction of an out building in the front yard of their property which would be closer to the road than the home due to being so far from the road.

In cases such as the current issue where out buildings are in the front yard, it is not acceptable as far as setbacks are concerned and the ordinance does states that if you do want to construct a garage/pole barn and it sets in front of the house, it has to be attached to the house. If the structure sits in your front yard, it would also be in everyone elses front yard. The viewing for neighbors would be interrupted. Out building ordinances were established to place the building in the front yard only for the people that lived along the river or was a long distance from the road.

The setback would be in violation of the front yard setback as far as the ordinance is concerned because the pole barn would be closer to the road than the house.

If the Johnstons decided they needed a variance, a complete plot plan would be needed including the right of way of the road. The property owners on the street would all be considered neighbors. After discussing the issue, it was determined there would only be

twenty-one (21) foot from the front property line so a variance would be needed. No other homes along the road have buildings in front of their homes.

If a person wanted to attach a building to their existing home, they could bring it forward from the existing home but still have it attached and a variance would not be required per the ordinance. (Per Mrs. Johnston, a well is located in a specific area).

7. **NEWMAN** stated an attached structure would be considered an improvement to an existing structure. If a structure was not connected, it would be considered an “out building”.
8. **DOYLE** stated the foundation of a pole building would have to be set on footings like the foundation of a home. **DOYLE** stressed that if the structure was attached, a variance would not be required.

CONCLUSION:

The Johnstons will review the pole barn project.

VI. PUBLIC COMMENTS:

7:29 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

1. **Supervisor Donald Schwieman** – there have been complaints regarding people illegally operating businesses out of their home; the Police Department will stay on top of the issue. The compliances of ordinances will be enforced.
2. **William Basinger, 5120 Dillon Road, Flushing** – interested in constructing a pole barn on his property in Flushing; a home would be placed later; he has a survey and other details regarding ordinance, plot plans, setbacks, etc.

7:42 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **FLOWERS** would like his name on the list for the Sponsored Seminar by Rowe on Wednesday, October 28, 2009. The Seminar is free.
2. **DOYLE** would also like his name added to the Sponsored Seminar by Rowe.
3. **FLOWERS** inquired about the Wind Turbine Public Hearing which has been drafted by Flushing Township Attorney Steve Moulton. It was decided to proceed with the Public Hearing the regular scheduled Planning Commission Meeting for Monday, November 9, 2009.
4. **DOYLE** made reference to the “TO DO LIST” and that the Planning Commission needed to continue with the list.
5. **NEWMAN** recommended adding *Review of Accessory Structures in the Front Yard*, under “New Business” on the next Agenda. The ordinance needed to be more user friendly.

6. **SWANSON** stated the Planning Commission needed to complete the Zoning Enabling Act.
7. **DOYLE** made reference Conditional Rezoning, where an individual coming before the Planning Commission with a request that was different from any zoning the township had.
8. **DOYLE** made reference to the difference between employees and independent contractual agents.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, NOVEMBER 9, 2009 AT 7:00 P.M.

FUTURE MEETINGS:

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 14, 2009 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 7:57 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 10/05/09