

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION MEETING MINUTES

DATE: AUGUST 18, 2014

TIME: 7:00 P.M.

WEB ADDRESS <http://flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, Robert Gensheimer, Ronald Flowers, Shirley Gage, Donn Hinds, and William Mills

ABSENT: Mark Newman

OTHERS PRESENT: Eight (8) other individuals

I. MEETING CALLED TO ORDER at 7:03 p.m. by Planning Commission Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Hinds to approve the Agenda by reversing the order of number 4 and number 5 with number 5 being first on the Agenda. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES:

a. July 21, 2014: FLOWERS MOVED, seconded by Hinds to approve the Planning Commission Minutes of July 21, 2014 as amended. **MOTION CARRIED.**

IV. NEW BUSINESS:

1. William Stoolmaker, 8270 N. McKinley Road, Flushing MI 48433

Formal Hearing for the Purpose of Obtaining a Special Use Permit to Place an Accessory Structure in the Front Yard at 8270 N. McKinley Road, Flushing MI 48433, Parcel No. 08-03-400-025, per *Section 20-1804, Accessory Structures.*

DOYLE reviewed the Requirements for an Accessory Structure in the Front Yard:

Accessory Structures in front yards in RSA and RU-1 subject to the following conditions. . .

1. *The lot the accessory structure shall be located on is at least 400 feet deep or adjacent to a river or lake.*

2. *The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.*
3. *The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping.*

Mr. William Stoolmaker (Mr. Stoolmaker) was present to request a Special Use Permit to construct an accessory structure in the front yard to be used for personal storage; he there is a septic field in the back yard. Mr. Stoolmaker would like to use metal siding for the structure. There are barns located in back of Mr. Stoolmaker's home. There are other older style barns in the neighborhood; Mr. Stoolmaker would like the new modern-style structure that is similar to a house.

CONSTRUCTION OF THE ACCESSORY STRUCTURE:

1. The construction will be wood and steel with poles in the ground.
2. There will not be a concrete floor.
3. It will be a regular pole barn construction with girts and trusses and will be all wood.
4. There will be a steel roof and side walls.
5. There will not be any windows for security purposes.
6. There will be a 12' x 12' door in the front and back and a 3' entry door on the side of the building.
7. The color of the accessory structure will match the color of the existing principle home.
8. The drive to the accessory structure will come off the present drive.
9. The structure will have 14' rafters; the roof will have a 4/12 pitch.
10. There will be 14' side walls; 40' span; the total will be 21' tall which is within the single story (25' is the maximum for single story.)

COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:

1. **HINDS:** has the issue been discussed with the neighbors? ANSWER: most of the neighbors don't have a problem; one (1) neighbor might have a problem.
2. **DOYLE:** example – there was an accessory structure installed on Seymour Road that backed up to the River; it was approved because the setbacks were proper and they were in back of all the rest of the buildings; the landscaping actually hid the building; the structure matched the existing house. A Detached Garage can be constructed and the Planning Commission has to view the situation from that point of view; an ordinary detached garage looks like the house. The Ordinance was originally put together because the way some of the people, on the River side, built their houses backed up to the river. The people that did not construct their homes backed up to the River, had a long distance between their houses and the people that built their houses back by the River. There wasn't any other place to build a storage building, garage, etc. in the front yard, which is the reason for the particular Ordinance. The request has to be viewed as a detached garage and put together in the same manner and at the same time not lower the value of the neighboring property owners.
3. **HINDS:** looking from the Google map, it looks like there is a lot of equipment.

ANSWER: a lot of the equipment has been cleaned up; the Police recommended putting the vehicles in the back yard. **HINDS:** if everything was put indoors, it would de-clutter the yard.

4. **GAGE:** are you planning to put everything in the back yard into the pole barn?

ANSWER: yes._

5. **DOYLE:** what percentage has been cleaned up? ANSWER: just started; wife has ALS so time very limited; gets home from work and takes care of her (his wife) until the morning; Saturday from 10:00 a.m. until 6:00 p.m. is his only free day to work on the cleanup.

DOYLE REVIEWED THE SITE PLAN:

ORDINANCE	PROPOSED	DETERMINATION OF COMMISSIONERS
<p>a) Statistical data including: number of dwelling units, size of dwelling unites (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.</p>	<p>Principal Home – 40’ x 30’ w. Garage – Detached – 25’ x 26’ Single story 10’ x 10’ shed 1.9 acres</p>	<p>1.9 acres Gas fuel Electricity (See Attached Plot Plan) <u>Septic System</u> is supposed to be 20’ from the property line in all directions; <u>Septic Tank</u> is supposed to be 10’ from the residence (home) - there is a shed that is close to the location; the proposed 50’ x 40’ structure is close; the driveway is close; the satellite picture is very close to 1” = 40’ or ¼” = 10’; the picture is accurate.</p>
<p>b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.</p>	<p>Detached</p>	<p>See Attached Plot Plan.</p>
<p>c) Vehicular traffic and pedestrian circulation features within and without the site.</p>	<p>N/A</p>	<p>See Attached Plot Plan</p>
<p>d) The location and dimensions of all off-street parking areas including maneuvering lanes, service</p>	<p>Main Drive off McKinley Rd</p>	<p>Private Drive only</p>

lanes, off-street loading spaces and other service areas within the development.		
e) The location, dimensions and proposed use of all on-site recreation areas, if any.	N/A	There are none.
f) The location of all proposed landscaping, fences or walls.	Miscellaneous trees on the property.	None proposed.
g) The height and dimensions of all structures.	Two (2) Story House	21' tall with 14' walls and 7' to the peak.
h) Front, rear and side elevations of any typical structure proposed for development.	N/A	40' x 50' pole barn; 14' side walls; 4/12 pitch; 12' x 12' garage doors in the front and the back and one 3' side entry door; metal sides and roof; will match the color of the existing house
i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.	Well in the yard; septic tank North side of the house; septic field East of house in the back yard.	See attached Plot Plan.
j) The locations, dimensions and lighting of all signs.		No signs; one light on the pole where pole barn will be located.
k) The location, intensity and orientation of all lighting.	N/A	Outdoor light with new florescent light and plans are to keep it.
l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.	Houses are all around.	Information is available at the Township Hall; everything is residential except for the Commercial Area at the corner of Mt. Morris and McKinley Road.

<p>m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.</p>	<p>N/A</p>	<p>To the South is a 13 Acre (?) Church facility; South of the Church is a commercial area; there is a pond to the South of the Church and across the street (North of Mt. Morris Road); everything North of Mr. Stoolmaker is residential;</p>
<p>n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.</p>		<p>The plan was put together by the Chair; the issue has not been pushed by the Planning Commission; the Chair felt it was necessary to be put the information on a plot plan which shows more details (for Township use).</p>
<p>o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.</p>	<p>50' x 40' Pole Barn</p>	<p>See Attached Plot Plan</p>
<p>p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.</p>	<p>N/A</p>	<p>See Attached Plot Plan</p>
<p>q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities</p>	<p>N/A</p>	<p>See Attached Plot Plan; there are no sump pumps because the existing house does not have a basement - only a slab;</p>

designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.		there is a ditch in front of the house.
r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.	N/A	Nothing
s) Submission of the “Hazardous Substances Reporting Form for Site Plan Review.”		There is nothing hazardous, only residential.
t) Submission of the “State/County Environmental Permits Checklist.”		Not needed for a residence.
u) 100 Year Floodplain		
v) Topographic lines at 1” intervals.	Septic tank – new sewer	The property is flat and there are no berms or ponds.
w) Proposed and existing utilities including water, sewer, storm water and lighting.		See Attached Plot Plan
x) Driveway location.		The drive is gravel half way and then concrete up to the existing house. (gravel by the road/concrete by the house).
y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning (Amended by adoption July 25, 2002).	South side of yard in front. RSA	RSA zoning district.

z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).	N/A	There are no wetlands.
aa) Easements impacting property.	N/A	There is an easement going across the front of the house where the electric line is located; serviced by a pole 25' from Mr. Stoolmaker's property line.
bb) Underground utilities present on property.	Natural Gas – South side of yard.	Only a gas line and well, septic, See Attached Plot Plan.

CONTINUED COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:

- DOYLE:** the request is on the border line; have to go back to what the Ordinance requests; RSA; *the accessory structure shall be located on a lot that is at least 400' deep or adjacent to a river/lake*; Mr. Stoolmaker has 400' on the North side but only 350' on the South side; conditions could be placed in order to make the request work. *The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.*

There is 21' off the North property line (ok per the Ordinance) and 97' from the front corner to the property line; the South side is 61' which makes up the total of 132 feet. The description of the property states it is 120' wide and consists of one (1) acre – was more property purchased to make it 132'? If drawn out precisely, everything comes out perfect. The description states it is exactly West, East, and North; the degrees are not off; the measurements come out exactly correct even the frontage comes out correct when the angle is taken properly at the 23 degrees. The property is exactly 130.4' on the front and 120' on the back. The plot plan shows 132' on the one side and 130' on the frontage. The dimensions are clear about West and East but there is no way the dimensions could work. *The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping.* A barn cannot be constructed in the front yard without the ability to keep it styled as acceptable so that it doesn't decrease the value of the neighbors' property. A garage can be constructed but it has to be designed so that it is similar to the house such as with the siding, roofing, etc.

If the Planning Commission is to look at the request and make it work for Mr. Stoolmaker, the only way would be to make it the same style structure or the same siding, roofing, etc as to the existing house. If that can't be done completely, the Planning Commission has to start looking at screens, which is usually landscaping. In order to make the request work, the conditions have to be put with the request in order to make it acceptable.

2. **GAGE:** what is the current siding on Mr. Stoolmaker's house? ANSWER: it is aluminum but he would like to change it to vinyl.
3. **FLOWERS:** has walked the property; if have to go vinyl siding that could be one of the conditions; from the angle, it really is not blocking anyone's view of Mr. Stoolmaker's property; another tree or two could be cut; in time, could build a berm or plant some pine trees to block view; don't like the metal as it resembles a big garage.
4. **DOYLE:** since there is 65' between the East side of the proposed building and the existing garage, is there a possibility that the proposed building could be built back closer to the property line. If the building could be constructed back further, put a screen in front of it, and put aluminum siding on the building so that it would be an acceptable garage and would compare in appearance to the existing house and the garage, there is a possibility the recommendation would work. ANSWER: Mr. Stoolmaker could build the accessory structure closer to the garage by taking the tree out.
5. **DOYLE:** there will be a door on the North and South side of the accessory structure – where will the door on the North side lead to? ANSWER: it will be used to get out of the accessory structure.
6. **GENSHEIMER:** how much further back would the tree be to the garage?

CORRESPONDENCE:

1. **Mr. George Baksa, Flushing MI** - “would like to see something done about the issue.”
2. **Mr. Berlin, 8269 N. McKinley Road, Flushing MI** – “sees no reason whatsoever for denying Mr. Stoolmaker’s request for erecting a “polebarn” or storage barn on his property.”

7:55 P.M. – OPEN FOR AUDIENCE PARTICIPATION:

1. **Supervisor Rian Birchmeier, 8565 N. McKinley Road, Flushing MI** - “definitely supports what Bill is trying to; thinks it is a great thing.”
2. **Joe Martin, 8320 N. McKinley Road, Flushing MI** – “lives on the North side of Bill and has no problem; has talked to some of the neighbors and thinks it is a great thing and will stop the issue.”
3. **Salvador Barba, Mt. Zion Prayer Church, 8228 N. McKinley Road, Flushing MI** – “Church is located South of Mr. Stoolmaker and supports the request.”

7:58 P.M. – CLOSED FOR AUDIENCE PARTICIPATION

GENSHEIMER: if the issue was approved, what kind of a guarantee would the Township and neighbors have that the items that have been in violation in the past, would be moved and cleaned up?

RECOMMENDATION BY DOYLE:

1. Review the setback and try and get it closer toward the line, at least 10’ from the line so that will be back further (can put back another 25’ closer to the house).
2. Build a structure where you can use aluminum siding; the steel roof is an acceptable thing because a lot of houses are getting steel roofs
3. Put landscaping across the line of trees to try and hide the building

HINDS MOVED, seconded by Gage, to approve his request with the appropriate stipulations that were discussed such as matching house with vinyl or aluminum, moving to within ten (10) feet of the power line (approximately 50’ from the home instead of 75’), and require minimal landscaping such as pine or spruce trees across the front and around the corners to offset the structure; trees are already on the North side of the property but belong to the neighbor.

MOTION CARRIED.

APPROVED WITH CONDITIONS.A building permit has to be obtained.

V. UNFINISHED BUSINESS:

1. Continued Review of Sign Ordinance

It was recommended to have Attorney Steve Moulton and Planning Commission Member Attorney Mark Newman review the Sign Ordinance and see what would be necessary to follow

the State Sign Ordinance Law; the Township's Ordinance would then be updated to match their findings. The procedure would save the Township.

FLOWERS MOVED, seconded by Hinds, to ask the Attorneys to make a cost factor for the updating of the Sign Ordinance that will be submitted to the Township Board for their approval. **MOTION CARRIED.**

VI. 8:10 P.M. -- OPEN FOR PUBLIC COMMENTS

1. A resident wanted to know how to handle a situation where his Mother had a number of dogs in her home and some of the neighbors have complained about the dogs barking. Recommendations: apply for a kennel license, go before the Zoning Board of Appeals for a Variance, use a "shock collar" to quiet the dogs, etc. The Ordinance states there has to be two (2) acres for a dog kennel.

8:04 P.M. -- CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **DOYLE:** Welcomed Bill Mills to the Planning Commission. Mr. Mills is a farmer.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, SEPTEMBER 8, 2014 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **DOYLE** adjourned the meeting at 8:35 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval