CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD
FLUSHING MI 48433
ZONING BOARD OF APPEALS
DATE: MAY 1, 2012 TIME: 7:30 P.M.
PHONE: 810-659-0800 FAX 810-659-4212
WEB PAGE: http:/www.flushingtownship.com

MEMBERS:
Edward Henneke, Chair — Richard Buell
Richard Vaughn, Vice Chair — James Sarka
Scott Minaudo, Board of Trustees Representative

Julia A. Morford, Recording Secretary

I. CHAIR EDWARD HENNEKE opened the meeting at 7:45 p.m. with Roll Call and the Pledge to the American Flag.

ROLL CALL: Edward Henneke, Richard Vaughn, Richard Buell, Scott Minaudo, and James Sarka,
MEMBERS ABSENT: None
OTHERS PRESENT: Scott Burtrum

II. APPROVAL OF AGENDA: MINAUTO MOVED, seconded by Sarka to approve the Agenda as presented. MOTION CARRIED.

III. PUBLIC COMMENTS:
7:47 P.M. – Opened for Public Comments
None
7:48 P.M. – Closed for Public Comments

IV. APPROVAL OF MINUTES OF JANUARY 3, 2012: MINAUDO MOVED, seconded by Buell to approve the minutes of January 3, 2012 as presented. MOTION CARRIED.

V. UNFINISHED BUSINESS:
None

VI. NEW BUSINESS:
1. **Scott Burtrum, 9062 Vista Del Arroya, Flushing MI 48433**
Request for Property Line Adjustment

MINAUDO MOVED, seconded by Vaughn that a property line adjustment be granted to Mr. Burtrum consistent with his petition, and consistent with the recommendation of Attorney Steve Moulton (Attorney Moulton), as long as he (Mr. Burtrum) meets all the requirements that have

been outlined by Attorney Moulton. (A copy of Attorney Moulton's Opinion was given to Mr. Burtrum for his records).

DISCUSSION:

Per the Opinion of Attorney Moulton, Mr. Burtrum needs to record the deed in order to change the legal descriptions of both parcels; the change must reflect the change of lot lines as requested; also submit an Affidavit to the Flushing Township Assessor so that the tax parcel descriptions are changed and are consistent with the legal descriptions.

It was recommended for Mr. Burtrum contact an attorney to get everything taken care of.

ACTION OF THE MOTION:

AYES: 5
NAYS: 0
Motion Carried.

2. **Mark Birchmeier, 7144 Sheridan Road, Flushing MI 48433**
   Variance for a Property Split in a C-2 Zoning District, Parcel Number 08-07-300-004

Mr. Jim Sowash, Representative of Ultra-Dex Tools System, was present to present the facts:

- Purpose of the variance is for the proposed new building on the new South lot.
- Goal for separating the lots is to create a separate identity for the company
  a. There are three (3) divisions.
  b. Customer base wants three (3) separate addresses and three (3) separate company names; own address is very important to the success of the company as far as the third (3) division is concerned
- The problem is that the idea of the property split was discussed years ago but there was a ruling regarding the distance from property lines which was thought to be ten (10) feet.
- The garage was constructed last year.
- When the idea of splitting the property, the Planning Commission stated the distance was now fifty (50) feet
- There is an issue that if the property is split at one hundred fifty (150) feet, with fifty (50) foot from each side, and a fifty (50) foot building which would be considered a good size for the purposes, there would only be sixty-eight (68) feet between the current building and the proposed building
- The Planning Commission recommended Ultra-Dex come to the Zoning Board of Appeals (ZBA) for a variance because of the fifty (50) foot rule between two (2) buildings; a building could be constructed on the property, but the property could not be split
- The parcel that would be split is four hundred fifty (450) feet in width; North to South is three hundred (300)' and split at the 150' mark; from East to West, the parcel is 440' deep

FACTS:

- The problem would be that it leaves one of the parcels with an eighteen (18) foot side setback; the variance request would be for the eighteen (18) foot setback.
- It would be 50' from the proposed structure with 68' between the structures.

- The construction of the buildings to North are:
  a. Existing pole barn construction with metal siding and brick features on the front of the building.
  b. Proposed construction would be the same but continue with the metal siding and brick front in order to have all the buildings match.
  c. The existing buildings to the North house the Specialty Division - such as building cutting tools, welding, machine work, etc.
  d. One of the issues in and industrial commercial area is the fire hazard and more space is needed to get through.
  e. The existing building to the South (middle) is pretty much the same – but instead of making just one tool, they make 100's of the same item.
  f. The basic principle of the tool process is starting with a piece of round stock steel, then cut, lathe, and mill it; there is welding going on in the building.
  g. The biggest issue – don't understand why allowed to have fifty (50) feet between buildings on the same lot, but not fifty (50) foot between buildings if going to split the property – the fire line should be relevant.
  h. The only thing in the area that would be explosive would be acetylene gas, contained in the North Building, and used for welding.
  i. Currently, there is an expansion project going on in the South Building and hope to break ground in July 2012; hoping to start building the proposed third (3rd) building project in May 2013.
  j. The existing garage will be attached to the new expansion which has been approved and currently is in the hands of the State.
  k. It would be possible to use a block or mason wall instead of a sheet metal wall.
  l. Ultra-Dex is very flexible to comply with any rules or regulations required getting the project done whether paving the drive for fire trucks, etc; all documents have to be turned into the State for review and approval after the material goes to the Township Planning Commission.
  m. Ultra-Dex needs to get the job done to employ people in the area; at the last expansion project, went from fifty (50) to eighty-five (85) employees; the jobs are not minimum wage but are jobs where one could provide for a family and to send children to college.
  n. Everything is handled very safe; not concerned about fire safety; need to review the safety factors of the wall so that Ultra-Dex can get the proposed building at the desired location.
  o. Ultra-Dex has been in the area since 1988; only one (1) very minor problem, not caused by the machinery, where the most damage caused was tearing out the wall to make sure everything was in compliance.
  p. Mr. Jim Sowash was hired as an engineer but currently is Mark Birchmeier's right hand man to take care of projects, etc.
  q. The real variance request deals with the variance to the North of the proposed building; there needs to be a split but still construct a building.
  r. The C-2 Zoning District footnote for setbacks states in "Footnotes, (h), forth line:

     "Any lot zoned C-2, as of the effective date of this ordinance, which does not meet the currently established minimum yard requirements may be used for any permitted C-2 use, provided the total of the front and rear yards equals at least 40% of the total lot depth, and the total of the side yards equals at least 40% of

the lot width, and provided any building or structure on the lot is located at a minimum of 30' from the road right of way and a minimum of 20' from the rear lot line and any property line abutting residential property."

s. There is fifty (50) feet between the North and Center Buildings; a forty (40) foot gap between the North building and the property line, and another ten (10) foot gap.
t. The Planning Commission's concern was the variance of the eighteen (18) feet of the remaining property after the split of the proposed parcel. The side setbacks for RSA and RU-1 are twenty (20) feet.
u. If the ZBA approves a Variance, it will then go back to the Planning Commission.

HENNEKE MOVED, seconded by Vaughn to approve a motion that would allow the lot split, conditioned up his building a block wall to the North side of the proposed building, and that contingency would be subject to modification by the Planning Commission if it believes for safety reasons the block wall is not necessary or if there was something else that could be substituted for the wall.

ACTION OF THE MOTION:
AYES: 5
NAYS: 0
Motion Carried.

VII. NEXT REGULAR SCHEDULED MEETING will be held on **TUESDAY, SEPTEMBER 4, 2012 AT 7:30 P.M.**

VIII. ADJOURNMENT: VAUGHN MOVED, seconded by Minaudo to adjourn the meeting at 8:35 p.m.

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EDWARD HENNEKE, Chair

JULIA A. MORFORD,
Recording Secretary

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RICHARD VAUGHN, Vice Chair

Date Approved

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