

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING MINUTES

DATE: OCTOBER 6, 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, William Mills, and Mark Newman

ABSENT: None

OTHERS PRESENT: Six (6) other individuals

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

II. ADOPTION OF AGENDA: NEWMAN MOVED, seconded by Hinds to approve the Agenda by reversing the order of Number 4 and Number 5; Number 5 will be first on the Agenda. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES: FLOWERS MOVED, seconded by Gage to approve the Meeting Minutes of September 8, 2014 with corrections. **MOTION CARRIED.**

IV. NEW BUSINESS:

1. Mr. & Mrs. Jerry Monroe, P.O. Box 163, Flushing MI 48433

Formal Hearing for the Purpose of Obtaining a Special Use Permit to place an Accessory Structure on a Lot Without a Principal Building, pursuant to *Article IV, Site Regulations, Accessory Structures, Section 20-400(c)*

Mr. & Mrs. Jerry Monroe were present to request a Special Use Permit to place an accessory structure on an adjacent lot without a principal building. The structure will be located twenty (20) feet or more from the West boundary and eighty-eight (88) feet from the front of the property.

SPECIFICATIONS OF VACANT PROPERTY

1. The vacant property is located at 10067 W. Stanley Road, Flushing MI, Parcel Number 08-16-200-051, which consists of 6.75 acres. The second property owned by Mr. & Mrs. Monroe is to the West of 10067 Stanley Road and has a separate access.
2. The proposed accessory structure will be located in front (to the North) of the home Where Mr. & Mrs. Monroe live.

3. **DOYLE** read:

Section 20-400(c) Accessory Structures, Accessory Structures without Principal Building:

(c) An accessory structure otherwise permissible under this ordinance may be located on a lot without a principal building, by issuance of a discretionary special use permit pursuant to Section 20-1804(a) of this ordinance.

Section 20-1804(A) (2) Accessory Structures on a Lot without a Principal Structure. A structure which would otherwise be an accessory structure may be located on a lot without a principal structure, subject to the following conditions:

- i. *the accessory structure is located on the lot such that its placement will not interfere with the future placement of a principal structure in accordance with the requirements of this ordinance, and further, that placement of the accessory structure meets all location and setback requirements of this ordinance for accessory structures.*
- ii. *The purposed location, size, and type of the accessory structure and its intended use are reasonably related to the use and enjoyment of the property.*
- iii. *The placement of the accessory structure and its intended use will not adversely affect the value, use and enjoyment of other property.*
- iv. *The accessory structure shall not be used for human habitation.*

5. The proposed property has its own access to the East.
6. **DOYLE** was concerned about any future residence that would be placed on the proposed property. The proposed accessory structure should be in the back of that residence as well as Mr. & Mrs. Monroe's property if someone bought the property in the future, that building would be in the back yard, according to the *Articles*.

SPECIFICATIONS OF PROPOSED ACCESSORY STRUCTURE:

1. The structure will be a 30' x 48' pole barn construction with a wood roof deck, steel sidewalls, and shingles.
2. The inside truss wall height will be 12'.
3. The roof pitch will be 4/12.
4. There will not be any windows in the structure.
5. An access door will face to the South; an overhead door will face West.
6. The proposed accessory structure will be similar to an existing accessory structure located on the property where the principal residence of Mr. & Mrs. Monroe is located.

7. The floor will be dirt.
8. There will be a separate electrical service to the proposed accessory structure.
9. There will not be a bathroom or plumbing in the proposed accessory structure.
10. The structure will be used for storage.
12. There would have been an extended drive from the original property, to the West, to the proposed accessory structure.
13. There are no future plans for the property other than the proposed accessory structure.
14. There is a 32' drive along the East side of the property in question; another drive also extends East along side the 32' drive where an accessory structure is located on the property line.
16. **HINDS:** There is a concern about the 88' if someone were to build a home; the home would have to be in front of the accessory structure. The issue could affect the new buyer down the road.
16. **GENSHEIMER:** There is a concern as to how the accessory structure will look when it is completed since there are no windows in the proposed accessory structure.
17. Mr. & Mrs. Monroe has an existing pole barn on the primary property to the West, that has a shingled roof, steel walls, and pole barn construction.
18. **DOYLE:** There is a concern that, per the ordinance, that the accessory structure is located on a lot such as the placement will not interfere with the future placement of the principle structure in accordance with the requirements of this ordinance and further that the placement of the accessory structure meets all location and setback requirements of this ordinance for accessory structures.
19. **DOYLE:** After reviewing where the accessory structure is located and where Mr. & Mrs. Monroe's existing house is located, the proposed barn is set in front of Mr. & Mrs. Monroe's home. If an accessory structure is going to be set on a separate piece of property, that doesn't concern where the proposed new house would be on that property; why would Mr. & Mrs. Monroe want to set the structure in front of the property because it will be in the front of Mr. & Mrs. Monroe's house. Accessory structures are normally not allowed in front of residential structures unless they butt the river. People wanted the back of the house on the River and therefore there wasn't any place to put an accessory structure except in the front yard, which is in back of everyone else's' house.
20. **DOYLE:** there is the possibility that the accessory structure could be placed in front of the new building that would be constructed for a residence. Is there any reason that the proposed accessory structure could not be put back further on the property so that it would not be in the front yard of any other structure? ANSWER: the proposed location was chosen because of the existing drive and the turn around on the West property.
DOYLE: the electricity could still come from the pole even if the accessory structure was set back further. The property to the East would be much more appealing if it was left for a residence and the pole barn was put further back in the back yard than the existing pole barn on the principal property. The ordinance is set up so that residents don't have barns or accessory structures in the front yards; people change ownership and there is concern about the valuation of property.

CORRESPONDENCE:

1. Clayborne C. Moore, 10036 Stanley Road, Flushing MI – “expressed opposition to the Special Use Permit; the surrounding properties are residential and situated close together and to allow a non-residential use of the property would be inconsistent with the adjacent land use and would be detrimental to those of us who live near the property; request to deny the request.”

7:30 P.M. – OPEN FOR AUDIENCE COMMENTS:

1. Colon Berry, 10049 Stanley Road, Flushing MI – “regarding the new drive way being put in, how many feet is there from his property; not keen on having the pole barn in his (Berry’s) back yard.”
2. Carolyn Ward, 10025 Stanley Road, Flushing MI – “concerned about having another drive by her house; don’t want the dirt and dust.”

7:40 P.M. – CLOSED FOR AUDIENCE COMMENTS

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

1. Mr. & Mrs. Monroe has a private drive; the purpose of the proposed accessory structure is to pull in their private drive with their motor home and then back the motor home into the proposed accessory structure.
2. Could an option be to place the proposed accessory structure back by the existing pole barn on the property to the West?
3. Currently, there are two (2) parcels that are separated - Parcel Number 08-16-200-010 and Parcel Number 08-16-200-051. If the two (2) parcels were put together there would be fifteen (15) to seventeen (17) acres. ANSWER: the ruling was changed and you now have to have a thirty-three (33) feet access and they only have thirty-two (32) feet. For one (1) foot, they could get a variance.
4. Recommended moving the proposed accessory structure back further than the eighty-eight (88) feet on the vacant property. It would be away from the property line of the neighbor to the North.

DOYLE MOVED, seconded by Gensheimer, that the Planning Commission not accept the request because of the fact that it is a good possibility the barn will be sitting in the front yard of the new proposed area for a new residence.

DISCUSSION

1. **NEWMAN:** will be voting in favor of the motion which is to “reject the proposal”. Where the accessory structure is placed in terms of “down the road”, technically, you could put a home between the pole barn and the properties to the North, which is only one of the considerations under the ordinance. His greater concern is the impact on the neighboring land owners; everything in the ordinance talks about its use of the structure on the subject property. This is a structure

servicing the other lot; it is not an accessory structure for the lot that it is being placed on. It is an accessory structure for the other lot where a residence and pole barn already exist, which violates the ordinance and he doesn't think he can vote on the issue.

2. **DOYLE:** there is eighty-eight (88) feet and by the time you have the setback, from the back property line of the people to the North of you, front setback, a residence, and then a rear setback with location for a well and septic, eighty-eight (88) feet is not enough room.

**ACTION OF THE MOTION:
MOTION CARRIED**

THE MATTER WAS REFUSED UNDER THE PRESENT REQUEST. THE MATTER CAN BE RE-REQUESTED AT A LATER TIME.

V. UNFINISHED BUSINESS:

1. **Continued Review of Sign Ordinance**

Attorney Steve Moulton (Attorney Moulton) is checking on the cost of updating the Sign Ordinance and also how the political signs would affect individual's freedom of speech.

VI. 7:50 P.M. -- OPEN FOR PUBLIC COMMENTS

None

7:51 P.M. – CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **FLOWER:** reminded everyone about the Genesee County Planning Commission Forum at the MTA Building on Friday, October 24, 2014 from 8:00 a.m. until 12:00 Noon. Please let the Clerk know as soon as possible.
2. **HINDS:** requested to be put on the list to attend the Genesee County Planning Commission Forum. .
3. **DOYLE:** Rowe Professional Services is sponsoring a free "Master Plan" Seminar at the Rowe Professional Services Offices on Wednesday, October 29, 2014, from 7:00 p.m. to 9:00 p.m. Please let the Clerk know as soon as possible.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE MONDAY, NOVEMBER 10, 2014 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **DOYLE** adjourned the meeting at 7:55 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval

10/06/2014 Plann Min