

CHARTER TOWNSHIP OF FLUSHING

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SPECIAL ZONING BOARD OF APPEALS MINUTES

DATE: JANUARY 30TH, 2024

TIME: 5:00 P.M.

MEMBERS OF ZONING BOARD OF APPEALS

Chair – Steve Moulton

Andrew Eichorn

Vice Chair – Richard Vaughn

James Sarka

Planning Commission Representative – Amy Bolin

Jeanette Sizemore, Recording Secretary

PRESENT: Eichorn, Bolin, Vaughn, Sarka and Moulton

ABSENT: None

OTHERS PRESENT: 4 (four) others present.

I. MEETING CALLED TO ORDER at 5:00 P.M. by Zoning Board of Appeals
Chairperson Moulton with Roll Call and Pledge to the American Flag.

II. APPROVAL OF AGENDA:

MR. VAUGHN, supported by Mrs. Bolin to approve the agenda.

THE MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES:

MR. EICHORN, supported by Mr. Sarka to approve the minutes of the September 25th, 2023 meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Vaughn, Sarka, Moulton, Eichorn and Bolin

NAYS: None

ABSENT: None

THE MOTION CARRIED.

IV. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS 5:04 P.M.

NONE

CLOSED FOR PUBLIC COMMENTS 5:05 P.M.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

1. Public Hearing on variance for the Planning Commission decision pertaining to fence requirements at the 8464 W. Mt. Morris Rd, Flushing Michigan 48433, Parcel No. 08-02-300-021 and 08-02-300-022, pursuant to *Flushing Township Code of Ordinances*, 36-1804(X) MINI STORAGE FACILITIES (OUTDOOR AND/OR INDOOR STORAGE), 36-1804(H) AUTOMOBILE GASOLINE FILLING, AND SERVICE STATION AND 19-65(2) STORAGE OF JUNK MOTOR VEHICLES (AUTOMOBILES) RESTRICTED.

Public Hearing Opened at 5:07 P.M.

Chairperson Moulton - Mr. Hansen you are speaking in support of the variance?

Mr. Hansen -Yes.

Chairperson Moulton - As I reviewed the application, I couldn't see your basis for requesting the variance.

Mr. Hansen – Yeah, I was out of town when I filled that out. And so it was a rush, rush thing to get it in on time. But it was approved, there was an issue around the storage unit being a privacy fence instead of a 6 foot chain link fence. I have a letter from the residence that own the abutting property on the North side. (He read the letter to the Zoning Commission) (And handed the letter to Mr. Moulton, which will be added to the Minutes)

Chairperson Moulton – You are the owner of the property at 8464 W. Mt. Morris Rd?

Mr. Hansen – I have a purchase agreement on it and we have an approval from the Planning Commission to put in a gas station. And in that approval on December 11th it was added that, we put in a privacy fence. We have a chain link fence around it now. And so I would like it to stay the way it is. That kind of business you really need to see it, so you can see that there is a storage facility there. (Mr. Hansen also explained that there are some similar facilities that are not in our Township that have similar fencing that he has now) It is a lot of additional cost and work than what is there now. There is a lot of green area as it is. I would like to leave it as it is, as it was not originally in the first agreement, when I was keeping the original building. When we decided to add a brand new building is when it all came about on December 11th, 2023.

Chairperson Moulton – So, you appeared before the Planning Commission on December 13, 2023 requesting the approval of a new site plan where then you would remove the existing building that serves as a convenience store and laundrymat. And replace it with a completely new building.

Mr. Hansen – Completely new building.

Chairperson Moulton – And that approval was granted subject to several requirements or conditions, am I correct? One was that there be a privacy fence installed around the perimeter of the storage facility.

The Planning Commission waved the requirement for a 4 foot concrete wall around the service station facility. There may have been other conditions, but all of those were rolled into one decision. The Site Plan was approved subject to those conditions, correct? Were you at that Planning Commission Meeting?

Mr. Hansen – I was.

Chairperson Moulton – Was there any discussion on your part regarding the privacy fence issue?

Mr. Hansen – I really didn't have a chance to get into it. It was brought up at the last minute to put in a privacy fence and then it was approved. So we didn't get to discuss the matter. I also have some photos of some property's that are similar privacy fencing.

Chairperson Moulton – So, at the meeting when there was discussion regarding a privacy fence, you understood, that would be the type of fence that would conceal view from outside and that the existing fence at the facility right now would not meet that requirement?

Mr. Hansen – Well that what was thrown in at the last minute. When we went in to remodel the existing store and put in a gas station and that was not included.

Commissioner Eichorn – That would be my question. Building a new Gas Station, what was the change?

Commissioner Bolin – Well the thing is, I am on the Planning Commission. And one thing that was discussed at that meeting is that if you would be doing outside storage. So, it was not only the storage itself, the concern was about you storing vehicles and campers out in the area around the storage unit. Based on that we felt that the privacy fence, based on the Ordinances is what we needed to stay consistent with.

Commissioner Eichorn – Is there any rule though for storing vehicles and campers and such in the State of Michigan? I thought that it was ok as long as they were plated.

Mr. Hansen – This was approved in 1993 when it was build.

Commissioner Eichorn – I was just curious as far as the fence.

Commissioner Bolin – Well that is kinda what Mr. Czyzio put together was the different ordinances in the Township where it is consistent that with the storage of vehicles you have to have an obscuring fence and that's what is in the information that he sent to us. So staying consistent with those ordinances is what we were following.

Mr. Hansen – In the site plan that was approved, we even said we would put some tall arborvitaes in to block it as well. And then have a gas station convenience store in front of it.

Mr. Hansen – I looked at a couple other facilities with privacy chain length fences and the only one with a privacy fence that is close to this one is on Elms Rd and Lennon Rd.

Chairperson Moulton – Mr. Czyzio, could you come forward, taking that blown up diagram Mr. Hansen has provided. Could you flip it 90 degrees so that north is up and Mt. Morris Rd is down. Do you know the zoning of the property to the west.

Zoning Administrator – Mr. Czyzio – The property to the west here is C2, the property to the east is C2 as well.

Chairperson Moulton – What is the current use of the property to the West that is zoned C2?

Zoning Administrator – Mr. Czyzio – He does fire damage and those kinds of things. He uses the building in the back that you cannot see here to store equipment and stuff like that.

Chairperson Moulton – So that is commercial as zoned and used. The property to the east is zoned C2, is it currently agricultural use?

Zoning Administrator – Mr. Czyzio – It appears that it is agricultural, there have been crops in it.

Chairperson Moulton – The property to the north?

Zoning Administrator – The property to the north is RSA. It is a large batch of woods that is the property in question.

Commissioner Eichorn – It is 7 acre parcel.

Chairperson Moulton – Mr. Hansen did you speak to the owners to the north?

Mr. Hansen – Yes, they signed the letter today. (he presented a signed letter that will be added to these minutes.)

After much more discussion on the tree farm and wedding venue. That neither one of the them have had any complaints. And that no one has sent in complaints on the new build or fencing. The main reason for the meeting is to discuss keeping ordinances in place as best as possible so the Township doesn't have problems with complaints or request in the future, not necessarily for the gas station/storage facility but any other facilities in Flushing Township.

It was for the most part agreed that the new building will be nice to have and that the arborvitaes would be a good solution as long as they are 3 feet high when planted.

Chairperson Moulton – Let me try to read this out as a possible compromise. There would be no outside storage beyond the line extending the north line of the back line of the building east and west of the property lines. So you could have outside storage north of the building. No outside storage to the south, east or west of the building. To the back of the north wall. There will be arborvitaes planted along the line along the south of the building as depicted on the site plan. You will plant arborvitaes from the northeast corner of the lot, along the east property line to the same length that the site plan arborvitaes are. In otherwords you wouldn't have to go any farther than the east line with new arborvitaes, except to join the line with the arborvitaes already depicted on the site plan.

Mr. Hansen - So these planting here? You want something here?

Chairperson Moulton – Correct, from the northeast corner, which would be the one you are pointing to right there. But the line of Arbovitaes could end even with the gate to the back.

Commissioner Eichorn – So you are saying that line of arborvitaes could stop at the ones running east to west line would end with the north to south line.

Chairperson Moulton – Yes

Chairperson Moulton – And the Zoning Board of Appeals will accept into the record the letter from Mr. and Mrs. Bundy the owners of the RSA property immediately north of the storage facility and if that property should sell or the property would change. The owner of the storage facility would plant arborvitaes along the north side of the storage facility.

Mr. Hansen – But I don't want to be stuck in the situation that if someone else buys the property north of the storage facility and cuts the trees that are blocking the view of the storage unit. I don't want to be stuck planting arborvitaes on the north side at that point to block the view of the storage unit, when it was already blocked at this point.

Chairperson Moulton – No, but if the property changes that the huge pines or conifer are gone and the property is now being used and the new owner has an obstructed view of the storage, then the storage unit owner will then plant arborvitaes at that point to stop the view.

Commissioner Eichorn, Vaugn and others agreed that they don't feel that if the property to the north of the storage facility is sold and the new owner/owners cut the conifer/pine trees down and have view of the

storage facility it shouldn't be the owner of the storage units responsibility to block the view of the storage unit facility. The owners that bought and cut the trees down should know that it would open that view up.

More discussion was made about storage units and fencing that would keep kids or what not out from breaking in the storage area. And trying to keep the zoning ordinances in place. And that the new owners, if the property north of the storage facility is sold, it would be common knowledge that if you cut the trees or conifers down you should know what you are uncovering.

Chairperson Moulton – Mr. Czyzio – Zoning Administrator, do you have any concerns that we have suggesting for a resolution?

Zoning Administrator – If there is a motion that states no vehicles or anything stored in the front of the building. As you stated the north or the building is fine. And the arborvitae would be fine and that would cover it.

Chairperson Moulton – At any time of the discussion did anyone mention the high they arborvitae needed to be when planted?

After much discussion about the arborvitae. It was agreed that the arborvitae start growing faster after 3 feet of growth.

January 30, 2024

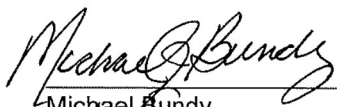
TO: Zoning Board of Appeals

We, Michael and Teresa Bundy, own the residential property directly behind or abutting the storage unit property located at 8464 W. Mt. Morris Road.

We see no issue with the current fencing around the structure, or see a need for any additional fencing to be placed to block the view of the storage unit.

In addition, we do not feel the need for a masonry obscuring wall.

We would like to see the property revised to include a new gas station/convenience store.



Michael Bundy
POA Teresa Bundy



Teresa Bundy

CHAIRPERSON MOULTON MOVED, SUPPORTED BY Commissioner Eichorn to approve a variance with respect to the requirement of the Planning Commission for a privacy fence at the 8464 W. Mt. Morris Rd, Flushing Michingan 48433, parcel No. 08-02-300-021 and 08-02-300-022, pursuant to *Flushing Township code of Ordinances*, 36-1804(X) MINI STORAGE FACILITIES (OUTDOOR AND/OR INDOOR STORAGE), 36-1804(H) AUTOMOBILE GASOLINE FILLING, AND SERVICES STATION AND 19-65(2) STORAGE OF JUNK MOTOR VEHICLES (AUTOMOBILES) RESTRICTED. That would have encircled the entirety of the property containing the mini storage facility. So that the variance would be as follows, at the owners expense shall install a row of arborvitaes along the east property line from the north east corner of the property to terminate along the east west line established by the arborvitaes that are already shown on the owners site plan. The arborvitaes on the site plan should be at 3 feet of height at the time of planting. The operator of the storage facility shall not allow anything south of the storage facility from a line extending along the north edge of the building east and west to the west property line to the east property line. So only North of the building should have any materials stored.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Eichorn, Vaughn, Moulton, Bolin and Sarka

NAYS: None

ABSENT: None

THE MOTION CARRIED.

X. NEXT REGULAR SCHEDULED MEETING

TUESDAY, MAY 14TH, 2024 AT 7:00 P.M.

XI. ADJOURNMENT

With no further business, the meeting adjourned at 5:55 P.M.

STEVE MOULTON, Chairperson

JEANETTE SIZEMORE, Recording Secretary

Date of Approval