

# CHARTER TOWNSHIP OF FLUSHING

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## SPECIAL ZONING BOARD OF APPEALS MINUTES

DATE: OCTOBER 27<sup>TH</sup>, 2025

TIME: 5:00 P.M.

### MEMBERS OF ZONING BOARD OF APPEALS

Chair – Steve Moulton

Melissa Fitch

Vice Chair – Fred Peivandi

Kevin MacDermaid

Planning Commission Representative – Amy Bolin

Jeanette Sizemore, Recording Secretary

**PRESENT:** Fitch, MacDermaid, Moulton, Peivandi and Bolin

**ABSENT:** None

**OTHERS PRESENT:** 7 (Seven) 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. PEIVANDI MOVED**, supported by Mrs. Bolin to approve the agenda.

**THE MOTION CARRIED.**

### **III. APPROVAL OF PREVIOUS MINUTES:**

**MRS BOLIN MOVED**, supported by Mr. Moulton to approve the minutes of the January 30<sup>th</sup>, 2024  
Zoning Board of Appeals meeting.

### **ACTION ON THE MOTION**

#### **ROLL CALL VOTE:**

**AYES:** MacDermaid, Moulton, Peivandi, Bolin and Fitch

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED.**

**IV. PUBLIC COMMENTS**

**OPEN FOR PUBLIC COMMENTS 5:05 P.M.**

NONE

**CLOSED FOR PUBLIC COMMENTS 5:05 P.M.**

**V. UNFINISHED BUSINESS**

None

**VI. NEW BUSINESS**

1. Discussion and possible motion on election of officers.

After little discussion.

**MRS. BOLIN MOVED**, supported by Mr. Peivandi to approve Mr. Moulton as Zoning Board of Appeals Chair.

After no further discussion the following motion was made.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Moulton, Peivandi, Bolin, Fitch and MacDermaid

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED.**

After some discussion.

**MR. MACDERMAID MOVED**, supported by Mrs. Bolin to approve Mr. Peivandi as Zoning Board of Appeals Vice Chair.

After no further discussion the following motion was made.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Bolin, Moulton, MacDermaid, Fitch and Peivandi

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED.**

2. Public Hearing to consider a variance request to *Chapter 36, Section 36-420 Solar Energy System Regulation (B) On-Site Roof-Mounted Solar Energy Collectors 4. Not be located within 3 feet of any peak, eave, or valley to maintain Adequate accessibility* at Parcel No. 08-22-526-049, 9071 Saddle Horn Dr., Flushing, MI 48433 also known as LOT 49 THE PONDEROSA SEC 22 T8N R5E Discussion and possible motion to consider a variance request to *Chapter 36, Section 36-420 Solar Energy System Regulation (B) On-Site Roof-Mounted Solar Energy Collectors 4. Not be located within 3 feet of any peak, eave, or valley to maintain Adequate accessibility* at Parcel No. 08-22-526-049, 9071 Saddle Horn Dr., Flushing, MI 48433 also known as LOT 49 THE PONDEROSA SEC 22 T8N R5E

**Public Hearing Opened at 5:07 P.M.**

**Chairperson Moulton** – Is there someone to speak on behalf of that request of variance.

**James Johns with NorthCoast Solar** - Yes

**Jarrett Acklin property owner** – Property owner and I submitted my comments.

**Chairperson Moulton** – Is Mr. Johns in a better position to speak as to?

**Jarrett Acklin** – He is in a better position to speak on behalf of the technicals that I am.

**Chairperson Moulton** – Ok.

**James Johns with NorthCoast Solar** -The variance request is requesting a one-time consideration to the Township Fire Setback Codes. They are a lot stricter than the International and Michigan State Setback Codes, for setback and how far the panels can be from the ridge of the roof or the valley of the roof. The purpose of the setbacks, are for the Fire Department, if there were ever a fire, they have the ability to vent the roof so they need that gap from the panels to the edge of the roof to be able to provide a controlled fire. The International Code is an 18-inch space from the ridge down to the top of the solar panels. And the hip and valley are 18 inches as well. The Township of Flushing requires 3 feet all the way around. Which is limiting what Mr. Acklin would like to do, on the southern and west facing sections of his roof. Which is the best place for solar panels to go. So, we are requesting that the Township essentially abides by the International and Michigan State Codes, which will allow the design. That is what were always gone by unless we run into a jurisdiction that might have a little stricter code. West Bloomfield use to have a stricter code. But now coincides with the National and State codes. That's really our request. I can go into more detail, showing what the International and State codes states and show pictures. Thats really it unless you have any questions.

**Mr. MacDermaid** – Michigan is 18 inches as well as International?

**James Johns with NorthCoast Solar** – Yes.

**Vice Chairperson Peivandi** – The solar comes down to the eave. It comes all the way down, doesn't it? With no 18 inches of separation.

**James Johns with NorthCoast Solar** – There is no requirement International or State to have the 18 inch up from the eave.

**Vice Chairperson Peivandi** – How old is the roof?

**Jarrett Acklin** – 20 years?

**Vice Chairperson Peivandi** – So, if you need repair work done to your roof? You would have to come in and remove the solar panels.

**James Johns with NorthCoast Solar** – Yes, it would just be a labor cost if you are a customer. Especially if we do your roof too. We do roofs as well.

**Vice Chairperson Peivandi** – If it is a 20-year-old roof, would you recommend getting a new roof before installing the solar panels.

**James Johns with NorthCoast Solar** – We are trying to make the deadline for the tax credit and if a new roof is put on Mr. Acklin would most likely miss out on saving more money than what it would cost to put on a new roof.

**Mrs. Bolin** – So, you said because, where the panels go to the ridge of the roof, it has to. You can get away with the 18 inches because the backside of the roof is open, panel free.

**James Johns with NorthCoast Solar** – Correct.

**Mrs. Bolin** – I am looking at the diagram that you submitted, what are doing with this? Is that a setback? Or, is that an access pathway?

(referencing an image in the applicant application which is found in the ZBA packet)

**James Johns with NorthCoast Solar** – Access pathway. Is the setback in that triangle in that image is the head roof of the ridge that needs to be 3 feet.

**Mrs. Bolin** – So you have this straight ridge here.

**James Johns with NorthCoast Solar** – That would need to be 3 feet which is why I have 18 and 18. But on the hips right there it only needs to be 18 inches.

**Mrs. Bolin** – So on this side it only needs to be 18 inches? **(references are being made while looking at blue print on roof)**

**James Johns with NorthCoast Solar** – Correct.

**Mrs. Bolin** – And that's enough room for Fire Fighters to get through that?

**James Johns with NorthCoast Solar** – Correct. Grand Blanc Fire Department has come out during installs. To verify things, like how they would vent a roof. And they have said that they would just smash through the roof during an emergency whether there is a solar panel or not. In the spirit of the ordinance or the code, it is obviously easier to know that without having access.

**Chairperson Moulton** – Is it correct that the federal tax incentives expire at the end of this calendar year December 31 of 2025?

**James Johns with NorthCoast Solar** – Yes, construction needs to be complete. Inspection doesn't have to be passed or your permission to operate from the utility. But the construction does have to be completed.

**Chairperson Moulton** – So the binding contract to install isn't good enough. You actually have to have the system installed by the end of December.

**James Johns with NorthCoast Solar** – We won't even start another project right now. This system will be installed before the end of the year easily.

**Vice Chairperson Peivandi** – How long does it take to install?

**James Johns with NorthCoast Solar** – It only takes a day. Your project might take a day and half.

**James Johns with NorthCoast Solar** – What takes time is the process, permitting, electrical, building and utility company has to grant your inner connection. Approval of the size of the system. It use to take 3 weeks, now it takes around 6 weeks.

**Vice Chairperson Peivandi** – Those all have to be in place for the tax credit then, with consumers?

**James Johns with NorthCoast Solar** – Yes.

**Mrs. Bolin** – So if you weren't granted this variance, you are saying that he wouldn't be able to do it at all?

**James Johns with NorthCoast Solar** – No. He would still be able to do it. But we would have to move a lot of the panels that are facing south, which are the best production to his west facing his garage roof. Which would illuminate a lot of his production. Which would be an economical or more of a hardship on him, due to less production in that area of the roof. Which in turn would be less savings from the solar panels. He also will have batteries that will help with lighting at night or during power outages. If he is not producing enough to fill them it defeats the purpose of having the solar panels.

**Chairperson Moulton** – Any further questions of these gentlemen? Is there anyone in the public who wishes to make comments on this specific variance request? I would like to indicate into the record that we will have a physical copy of our Zoning Administrator Chris Czyzio sent an email that is dated October 21 of 2025, specifically addressing this variance request. In the email Chris highlights the provision that is the subject request for variance. (Refer to email below.)

**(Email from Zoning Administrator to ZBA Chair Moulton, below.)**

Regarding the upcoming scheduled ZBA Mtg for October 27<sup>th</sup>, there are two cases to review.

A request for variance from our Zoning Ordinance 36-420 (B)

(B) On-Site Roof-Mounted Solar Energy Collectors shall:

1. Be such a weight to be safely supported by the building. Building inspector approval is required.
2. Be considered part of the building and meet all the required building height and setback requirements.
3. Not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
4. Not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.

I have had several requests for roof top solar in the past few months. There are federal Govt. incentives that are scheduled to end 12/31/25. All submitted applications have been denied as the submitted designs did not meet our zoning requirement under (B) 4 with the required 3-foot setback from every roof peak, eave or valley. It appears that our ordinance is stricter than the current 2024 International Fire Code which allows the solar panels to be adjacent to the eve and requires a 36-inch pathway to the peak for fire fighter access rather than all around as our ordinance states. Please see the attached file. It appears that with our ordinance being stricter than the more recent fire code that there might be merit in this appeal. Virtually all of the professional roof top plans that I have reviewed reflect the 2024 Code. If this variance is granted, I will request that the Planning Commission review the current ordinance for a revision to match the 2024 International Fire Code.

Sec. 36-701. Table of District Regulations								
Zoning Districts	Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Setbacks			Lot Coverage (%)	Maximum Building Height (Stories)
				Front (ft)	Side (ft)	Rear (ft)		
RSA	30,000 9,900(a)	100 80 (a)	200	20	10	25	25	2.5
RU-1	20,000 9,900(a)	100 80 (a)	N/A	20	10	25	30	2.5
RU-2	20,000 9,900(a)	100 80 (a)	400	20	20	25	N/A	2.5
RU-2 (3 Family Homes)	26,300 16,500(a)	100 80 (a)	400	20	20	25	N/A	2.5
RU-2 (4 Family Homes)	29,600 19,600(a)	100 80 (a)	400	20	20	25	N/A	2.5
RU-2 (duplexes, lodging houses and tourist homes)	23,000 13,200(a)	100 80 (a)	400	20	20	25	N/A	2.5
RU-2 (garden apartments or townhouses)	1 ac	-	400	40	40	40	N/A	2.5

The other request is for a variance to minimum lot size (width) for a property on Meadowbrook. Currently the property is used as a short-term rental VRBO under our Short Term Rental Ordinance. It is a duplex located on a single lot with approximately 105-foot frontage. The current zoning requirement is 80-foot minimum frontage if a property has water and sewer, or 100 feet without. The property owner had requested it be split into two lots like a traditional duplex. Homeowner states that individual homes would be advantageous to the community for permanent residents rather than transients.

I have a family funeral to attend in Florida and will not be present for the meeting. I will be in the office until 5pm the 21<sup>st</sup> of October if more information is required.

Best regards

**Chris Czyzio**

Flushing Township Zoning Administrator

Mon – Thurs 8am – 5pm

810.659.0800 EXT. 110

[zoning@flushingtwp.org](mailto:zoning@flushingtwp.org)

**Chairperson Moulton** – The reason for codes are to protect the property, the interest of the property owner, the interest of the joining properties and the public at large. We've got a situation that possibly our Local Zoning Ordinance with regards to fire and other emergency personal, might be address by essentially a 3-foot perimeter around the entire roof structure to enable that access. Although Mr. Czyzio does not address it, it was addressed by Mr. Johns, that it is sometimes necessary to vent the roof. If the International Fire Code feels that those issues are adequately addressed with less stringent access requirements than possibly the concerns that we would have on behalf of the Township protecting all of the interest involved are adequately addressed, if in lieu of our current Zoning Ordinance provision we held the property and his contractor to the requirements to the International Fire Code. Which was the 2024 version, so it is very well possible that the provision that we are discussing as more relevant and applicable than the situation at hand is more current than the provision in our existing ordinance. This is a nonuse variance not a use variance, so our standard is, practical hardship. It would be my opinion that given the timeline for expiration of the Federal Tax Credits, which I am sure drives the market for residential solar instillations, which is of no making on the part of the property owner. That the criteria for granting a nonuse ordinance in this situation fully exist. Our Zoning Administrator recommends that we grant the variance, and that would be my opinion. I would ask other board members to state their opinions and concerns so that we have a full record, I may have missed something that you feel is pertinent to the discussion or the decision on.

**Mr. MacDermaid** – I tend to agree with what you are saying. Our ordinance is not quite up to date with the Internation and State regulations.

**Mrs. Bolin** – I have a question, and maybe you can answer this, because when I am looking, this is where I am getting confused. It says the 2024 Internation Fire Code, 1205.2.1.1 pathways to ridge. It says, not fewer than two 36-inch-wide pathways on separate roof planes, from lowest roof edge to ridge, shall be provided on all buildings.

**James Johns with NorthCoast Solar** – I believe what that is stating is that where that hip comes in, that they can access from the eave or the drip edge to be able to walk up that, so it can't be all the way over. So, the panels can still come down to that drip edge. As long as that pathway is there.

**Mrs. Bolin** – So, they should have a 36 inch pathway, from the lowest roof edge to the ridge. So that's where they are coming up with the 36 inch. That makes more sense. Thank you.

**Chairperson Moulton** – Is there any other comments or concerns? If there is no objection by any other board member I would like to make a motion.

**CLOSED PUBLIC HEARING at 5:29 P.M.**

3. Discussion and possible motion to consider a variance request to *Chapter 36, Section 36-420 Solar Energy System Regulation (B) On-Site Roof-Mounted Solar Energy Collectors 4. Not be located within 3 feet of any peak, eave, or valley to maintain Adequate accessibility* at Parcel No. 08-22-526-049, 9071 Saddle Horn Dr., Flushing, MI 48433 also known as LOT 49 THE PONDEROSA SEC 22 T8N R5E

After no further discussion.

**CHAIRPERSON MOULTON MOVED, supported by** Vice Chairperson Peivandi to grant the requested variance. Subject to the Zoning Administrators review of the application for issuance of the permit for instillation of the solar system and the Zoning Administrator being satisfied that all other requirements of the Flushing Township ordinance including the Zoning Ordinance be fully complied with in the opinion of the Zoning Administrator. That, that consideration be governed not by the existing provision of our Zoning Ordinance specifically 36-420 (B), but instead that the Zoning Administrator substitute in place of the provision the applicable requirements of the 2024 Internation Fire Code in ensuring that purposed installation satisfies not only all of the other criteria of the township’s ordinance including the Zoning Ordinance, but also the specific requirement of the 2024 International Fire Code in place of the previously identified provision of our ordinance.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** MacDermaid, Peivandi, Bolin, Fitch and Moulton

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED.**

**Chairperson Moulton** – For the record. If anyone is aggrieved by this decision. Recourse would be appealed to the Genesee County Circuit Court.

4. Public Hearing to consider a variance request to *Chapter 36, Article 4 Site Regulations, Section 36-403 Lot Sizes* for a land split on parcel No. 08-23-577-025, addresses 5020/5024 Meadowbrook Lane, Flushing, MI 48433 also known as S 105 FT OF LOT 18 & S 105 FT OF W17 FT OF LOT 19 FLUSHING MEADOWS (03) FR 08-23-577-018/-019

**PUBLIC HEARING OPENED at 5:31 P.M.**

**CHAIRPERSON MOULTON** – I believe the applicant for the variance is Perry Kendall, on behalf of the Perry Kendall Trust, which is the owner of the property. The variance request is a property split which is nonuse variance and is governed by criteria for consideration and discission on a nonuse variance. Is Mr. Kendall present? Are you speaking on your own behalf. Please step up to the podium or speaker, state your name and address.

**Perry Kendall (Perry Kendall Trust)** – 9491 Beech Street, New Lothrop.

**Chairperson Moulton** – Are you the current Trustee of the Perry Kendall Trust?

**Perry Kendall (Perry Kendall Trust)** – Yes, I am.

**Chairperson Moulton** – We have reviewed your application for variance. Could you in general terms spell out specifically what it is you are asking the township to do in regards to your property.

**Perry Kendall (Perry Kendall Trust)** – I have owned the property for about 20 years. One day my wife and I would like to sell. It is a rental now. But it was set up with two addresses and one tax ID. I am trying to get it where I can sell one individual unit as a townhouse, because it was built as a townhouse. Everything is separate in the unit. The reason I think if I sell it someday, which someday I will, it would be better to have it owner occupied, especially back in that subdivision verses a landowner coming in from California or out of state they don't seem to keep their properties up as well as someone in the area. So, I would like to get it ready for the Trust. To liquidate someday to sell someday when we decide.

**Chairperson Moulton** – Where you the owner of the property when the existing structure was built?

**Perry Kendall (Perry Kendall Trust)** – No. I bought it on foreclosure years ago.

**Chairperson Moulton** – Do you know when it was built?

**Perry Kendall (Perry Kendall Trust)** – I think 2000, maybe?

**Chairperson Moulton** – You have never personally lived in either unit that comprises the property? Is it currently occupied by two separate tenants?

**Perry Kendall (Perry Kendall Trust)** – No, I have not and yes, it is.

**Vice Chairperson Peivandi** – And that's the only townhouse in that subdivision, correct?

**Perry Kendall (Perry Kendall Trust)** – No, I believe there are a couple in the back of the subdivision.

**Vice Chairperson Peivandi** – So the ones in the back are duplex? Two separate addresses?

**Perry Kendall (Perry Kendall Trust)** – Yes sir. I don't know what happened years ago when that was built, it was not part of the subdivision. Not part of the Home Owners Association. It is the first house as you drive in. I don't think it is part of that sub. And that may be why it was built the way it was. I sold a couple of properties about 5-6 years ago in town and I sold them to a local investor at a reasonable price and he turned around a year later and sold them to an investor from California for about \$100,000 more per property. Which is disappointing to me, because we put a lot of hard work in there and now, we drive by and they are just not the same. So, in that subdivision when I do sell, I'd like to sell to an individual person to occupy each side.

**Chairperson Moulton** – But you can't guarantee that. I mean if you put the property on the market. Are you intending on selling it to a single purchaser or to two separate purchasers?

**Perry Kendall (Perry Kendall Trust)** – I would sell it to whomever occupied it.

**Chairperson Moulton** – So two separate purchasers.

**Perry Kendall (Perry Kendall Trust)** – That is why I'd like to split it. I have a lady renting one side. I don't think she can buy it, she is going to medical school, she from Africa and not working. She asks me all the time if she can buy one side, I have told her that she can't. But in the event that someone does approach me, I would like to be able to sell to them.

**Chairperson Moulton** – Your practical problem is that the property doesn't have the frontage, I think there is about 105 feet. So, if you divide it as proposed in your application, you'll have 55 feet of frontage for one and approximately 50 feet for the other. And then the lot is about 127 feet deep. You

won't be able to meet the square footage requirements either. Your tenants, do they include families with young children occasionally?

**Perry Kendall (Perry Kendall Trust)** – It's a 3 bedroom, 2 bath, two car garage.

**Chairperson Moulton** – No complaints about the size of the backyard?

**Perry Kendall (Perry Kendall Trust)** – No.

**Mrs. Bolin** – I have a question; we were chatting about this earlier. What happens, God forbid, you sell side A and B to another person, and there is a fire? In the duplex? How do you go about taking care of that?

**Perry Kendall (Perry Kendall Trust)** – It is a townhouse. It would be the same thing that happened on main street when a car went through the house on the golf course.

**Mrs. Bolin** – I don't know what happened there. I am saying if I own side A and she owns side B and there is a fire and it burns down.

**Perry Kendall (Perry Kendall Trust)** – There would be 2 different insurance policies on each side.

**Mrs. Bolin** – I don't know how that works.

**Vice Chairperson Peivandi** – I guess it would be no different than a condo site and duplexes around this county. You have 2 houses attached to each other.

**Mrs. Bolin** – If its 2 separate owners. If I wanted a 2 story and she wanted a one story. How would that work?

**Chairperson Moulton** – Mrs. Bolin's question was touching on a concern that I had. And this will envelop what your concern is. I don't know how old the roof is, but my example is, the property needs a new roof. And it is one structure one roof. Is there anything in place that governs the relationship between the separate owners as to how that process goes forward?

**Perry Kendall (Perry Kendall Trust)** – I don't know that.

**Chairperson Moulton** – You are not condominiums. You are not subject to the Michigan Condominium Act which would address a lot of the concerns that I would have if I was a property owner, owning one half of a duplex. Call it a townhouse, call it what you will, but I mean in some aspects while you separated the utilities there's a wall common wall that separates the properties, in some aspects it's one structure. So, if you are going to put a roof on, the practicality is both units are going to have to participate. You don't have a statutory framework that would spell out how that would be done the rights that each property owner would have against each other in respects of those common repairs. The Condominium Act spells all of that out. Any Condominium that gets approved by a local entity, requires condominium bylaws be recorded with the property so that they are binding not only on whomever you might sell to, but anybody else down the line. They run with the land. If you don't have something like that, when you bought the property did you get title work? Did you see if there was anything like that with the property?

**Perry Kendall (Perry Kendall Trust)** – A townhouse doesn't have anything like that. A condo association does, because you pay in dues. A townhouse is different; you both are responsible for each side of your roof. Now how you get together and take care of that with your neighbor and take care of that roof is

planned ahead. On a Townhouse verses a Condo, these are a Townhouse, so there are no dues going in each month to cover that roof.

**Chairperson Moulton** – It is not uncommon with regard to a stand alone duplex for the owner, whoever creates that structure to go to a property attorney and get some mutual convenience drawn up. They are pretty standardized anymore. That look a lot, but not exactly like certain provisions you would find in the bylaws of a condominium. That allocate the responsibilities, and give one property owner specific rights against the other if that property owner is not stepping forward to do those items that are to common good of that duplex or multiunit structure. This a problem going forward down the line. Because people that feel that their neighbor isn't doing what they should be doing, often knock on the townships door and ask the township to. But the township does not have legal authority. We have no authority to deal with any of that. You may want to consider giving authority to your possible purchasers.

**Perry Kendall (Perry Kendall Trust)** – Well, I am sure when it is sold that would be the first thing that I am sure someone would ask is that question right there.

**Chairperson Moulton** – It sounds like there isn't anything. You have to provide the framework. Since you are the owner of the entire property right now, you can provide that framework, by getting some specific provisions recorded with regard to the property that will run with the land. You have them drawn up, you get them recorded and that probably will facilitate your ability to sell the property to separate purchasers. Because if I was a perspective purchaser and I don't see anything that binds the one property to the other in terms of future owners, then I have concerns. Insurance companies are going to have concerns.

**Perry Kendall (Perry Kendall Trust)** – I already checked with the insurance; there is no problem there. I don't disagree with what you are saying at all. But on a townhouse, those are not there. But I don't disagree with what you are saying. I would want to know myself if I was buying that property when I'm going to put my roof on how am I getting the other side on.

**Chairperson Moulton** – That's something that you should be taking into consideration I would think and hope at this point and time, so. I mention that because we, as the Zoning Board of Appeals can impose conditions on grants of a variance and to be open, my thought is I don't see any reason not to grant a variance subject to the condition you have prepared and recorded suitable conditions to protect separate owners at a date down the road.

**Perry Kendall (Perry Kendall Trust)** – I don't disagree with that.

**Mr. MacDermaid** – I mean it looks like the request variance, would be not meet the front edge, the square footage and the setbacks. The side setbacks of 10 feet down to accentually no side setbacks.

**Chairperson Moulton** – It's tight, but you have owned it for 20 years. I don't know when exactly when it was built. (asking Township Clerk Wendy Meinburg which is in audience) Did you receive any written comments from 300 foot letters that were mailed out? (Clerk answered "No") We have not received any comments, objections or criticisms from any of the adjoining properties owner, and the duplex has been in use for many years, so.

**Perry Kendall (Perry Kendall Trust)** – I am not here to sell this property tomorrow or next year. But if the right situation comes along, I would like to be in the position to do it. I am not getting any younger so at one time throughout my life if I am still here, that property will be sold. It's better for the community that that property is separated with owner occupied. Because if I put it up for sale those California buyers will pick it up and I will get my price. That's what we don't want. We want to have individual owner occupied in that subdivision. That is why I am here, it's not to get a quick sell tomorrow or the next day. In the event that I am not here, I want the set it up where the Trust can speak. It won't be a rental going forward if that is the case. If I am not here it will be owner occupied. So that will be put into the Trust. I am surprised that it was able to get through 20 years ago. It always should have been split. So how that happened, the correction is really here. And I don't disagree with putting that in there. I believe that is to my benefit to have that in there as far as verbiage like you are protected with your roof, here it is. That is just not something I had to have in place yet, because it is not for sale.

**Chairperson Moulton** – There would be other issues you might want to address. I mean if somebody decided they wanted to upgrade windows in their unit.

**Perry Kendall (Perry Kendall Trust)** – It will be all very clearly spelt out. It would be very important to have it in there.

**Mr. MacDermaid** – Under RSA zoning, two-unit multifamily dwellings are allowed with special land use. As it is right now, I don't know if when the condo was built, if it had to go through planning to get a special land use. But with assumption that it was, it does right now follow the zoning of the township. But you are asking to me is far away from the zoning of the RSA district.

**Vice Chairperson Peivandi** – So Steve what you are saying is, he should go back and get something written up that shows the responsibilities of each separate owners for that duplex in terms of repair of the house terms of windows, driveway and what have you? And come before us after that?

**Chairperson Moulton** – My thought, my personal opinion is the property has been used essentially as two separate residences with different tenants occupying separate units. It doesn't seem to be a problem in the neighborhood. It's a nice neighborhood; I went out and drove around. It seems to be primarily single family residential in Meadowbrook. Essentially, we wouldn't be changing the use of the property it would be a two family or two units. But if we draw that line right through the center of the lot and right through the center of the common wall, you're going to be in violation of the ordinance, which is the reason you are here requesting the variance. You don't meet the minimum frontage requirements; you don't meet the square footage requirements. But my thought was those minimum lot requirements are for the benefit of that property, and if it has been in use as a residence for well over 20 years, multiple residents and it seems to be working for the occupants, so be it. Nobody else in that immediate vicinity is complaining about your request for the variance. It will move the property if there is no guarantee but to owner occupied at some point in time. Some people view that as a good thing, as apposed to ten unoccupied properties. I am not making a value judgement there. I don't see any downside of the township, the adjoining property owners or anybody else in granting the variance, if it's

conditioned on avoiding future problems, by having some convenience that will run with the land governing the issues that have to be treated as common to both units. And that there is some mechanism to deal with all of rather than a lawsuit in court some place down the road.

**Perry Kendall (Perry Kendall Trust)** – I will have my attorney draw that up. And then just bring that back in.

**Chairperson Moulton** – Approved subject to, and a timeline on the submission on those. I'm going to use the open-ended phrase "accept subject to conditions acceptable to the Zoning Administrator" if he has any questions, there is a township attorney.

**Perry Kendall (Perry Kendall Trust)** – I can work with him on that. I don't think that is bad clause. I would add it right to the title.

**Chairperson Moulton** – Well you would record requirements, conditions that will be recorded so that they run with the land and affect everybody that owns an interest in the property.

**Mrs. Fitch** – I might have missed this, is this taxed as one unit right now?

**Perry Kendall (Perry Kendall Trust)** – Two addresses one tax ID. But I created two legals.

**Chairperson Moulton** – The legal description that our assessor would use going forward, the surveyor prepared those they are in the information.

**Mr. MacDermaid** – I do see in the back of this neighborhood it's a different subdivision, but you are on the corner there. I mean in the subdivision. You are technically in Flushing Meadows that is just these lots running along Carpenter Rd.

**Perry Kendall (Perry Kendall Trust)** – Meadowbrook.

**Mr. MacDermaid** – Nope, Flushing Meadows. You are on Meadowbrook Ln. (referring to map) You are in Flushing Meadows Subdivision. But I do notice in Meadowbrook Subdivision there are multiple other duplexes what would look like duplexes but are split down the middle.

**Perry Kendall (Perry Kendall Trust)** – There are all in the back not in the front.

**Mr. MacDermaid** – They are all in the back, but it does seem to be the same zoning. So, it looks like it has been allowed in RSA. But that is a completely different subdivision. It might have the bylaws.

**Chairperson Moulton** – Do you know if Meadowbrook part 2 is a condominium?

**Mr. MacDermaid** – It's a subdivision.

**Vice Chairperson Peivandi** – It is a platted subdivision.

**Mr. MacDermaid** – It is a platted subdivision. Because if I click on it (referring to his computer GIS program in hand) it says the legal description says eastern half of lot 26 Meadowbrook park is technically the name of the subdivision. It's not a development. But that doesn't mean they don't have some standards in place for what your concern was for your selling stipulations.

**Chairperson Moulton** – There may be an HOA, and there may be a bunch of rules that run with the land with each of the properties in Meadowbrook Park. Looks like your property is the south end of the lots that were running along Carpenter Rd look then, 200 feet deep. And those are designated Flushing Meadows. I don't know if someone came in and platted off a number of lots along Carpenter Rd. I am sure Carpenter Rd has been there a lot longer than Meadowbrook Ln. I don't know how your duplex

got in there the first time around, but it is there. I don't see drawing a line cutting it in half is going to change any practical reality associated with the property, other than with the owners going forward.

**Mr. MacDermaid** – It actually looks like Flushing Meadows was developed or created in 1965. That would explain the older houses on that.

**Perry Kendall (Perry Kendall Trust)** – But take a look at my house, it really is in Meadowbrook. I believe that look needs to follow through for that subdivision. When I am gone someday, I just could imagine an out of town investor comes in and I believe my daughter will sell it the minute I am gone, she just not going to keep it. It's not really about me. I always thought it should be owner occupied. I knew as long as I owned the house it would be in good shape. But over the years I've had problems with renters and cops all those kinds of things.

**Vice Chairperson Peivandi** – I noticed you had this property for sell on Zillow?

**Perry Kendall (Perry Kendall Trust)** – I did, It made me decide it needed to be split. Because it will be sold really quick. Does that make sense? They were coming in, property value in Michigan is low compared to other States. I could have sold a month ago.

**Perry Kendall (Perry Kendall Trust)** – I will definitely get something drawn up. I think it will be easier in the future for selling or handing down as inheritance.

**Chairperson Moulton** – Any other questions.

**Clerk Meinburg** – Do they have City Sewer and Water?

**Chairperson Moulton** – Both units are Municipal Water and Sewage.

**Mr. MacDermaid** – Each unit has its own meter and everything is separate.

**Perry Kendall (Perry Kendall Trust)** – It was built to be separate. Everything is separate.

**Chairperson Moulton** – For the record, the information provided by Mr. Czyzio there is municipal sewer, municipal water and separate gas electrical and cable to each unit. For the record there is no public in the attendance for this hearing for the public hearing besides three township officials. Do any of you wish to speak in compacity of the public.

**CLOSED PUBLIC HEARING at 5:59 P.M.**

5. Discussion and possible motion to consider a variance request to *Chapter 36, Article 4 Site Regulations, Section 36-403 Lot Sizes* for a land split on parcel No. 08-23-577-025, addresses 5020/5024 Meadowbrook Lane, Flushing, MI 48433 also known as S 105 FT OF LOT 18 & S 105 FT OF W17 FT OF LOT 19 FLUSHING MEADOWS (03) FR 08-23-577-018/-019

**CHAIRPERSON MOULTON MOVED, supported by** Vice Chairperson Peivandi to grant the requested variance. Subject to the specific condition that within 60 days the property owner will submit for review to the zoning administrator a set of convenience to run with the land to govern a relationship between the owners of the separate property's that will result from the split. To address common concern among

the owners. If convenience in written form, are timely submitted to the Zoning Administrator, and approved by the Zoning Administrator they then will be recorded at which time the split will be affective.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Bolin, Peivandi, Moulton, MacDermaid and Fitch

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED.**

**X. NEXT REGULAR SCHEDULED MEETING**

AS NEEDED.

**XI. ADJOURNMENT**

With no further business, the meeting adjourned at 6:05 P.M.

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**STEVE MOULTON**, Chairperson

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**JEANETTE SIZEMORE**, Recording Secretary

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Date of Approval