

CHARTER TOWNSHIP OF FLUSHING

6524 N. Seymour Road, Flushing, MI 48433

P (810) 659-0800 F (810) 659-4212

www.flushingtowship.com

PLANNING COMMISSION AGENDA

DATE: MAY 8, 2023

TIME: 7:00 P.M.

MEMBERS OF PLANNING COMMISSION

Chair – Vicki Bachakes

Craig Davis

Vice Chair – William Mills

Timothy Lloyd

Secretary – Amy Bolin

Michael Moon

Board of Trustees Representative – Terry A. Peck

Makenzie Dearlove, Recording Secretary

I. CALL THE MEETING TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. APPROVAL OF PREVIOUS MINUTES

April 10, 2023 Meeting

IV. PUBLIC COMMENTS FOR AGENDA ITEMS ONLY

Each speaker limited to three minutes

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

1. Discussion regarding the Site Plan for Flushing Bibi Villas
2. Motion on the Special Use Permit to place an Accessory Structure in the front yard at 3107 N. Seymour Road, Flushing, MI 48433, Parcel No. 08-34-300-009, pursuant to Article XVIII Special Use Permits
3. Discussion on the proposed Short-Term Rental Ordinance

VII. PUBLIC COMMENTS

Each speaker limited to three minutes

VIII. ZONING ADMINISTRATOR COMMENTS

IX. COMMISSION COMMENTS

X. NEXT REGULAR SCHEDULED MEETING

MONDAY, JUNE 12, 2023 AT 7:00 P.M.

XI. ADJOURNMENT



CHRISTOPHER J. CZYZIO, Zoning Administrator

DRAFT

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD, FLUSHING, MI 48433

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PLANNING COMMISSION MINUTES

DATE: APRIL 10, 2023

TIME: 7:00 P.M.

MEMBERS OF PLANNING COMMISSION

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Makenzie Dearlove, Recording Secretary

PRESENT: Lloyd, Bolin, Mills, Bachakes, and Peck

ABSENT: Moon, and Davis

OTHERS PRESENT: Twelve (12) other individuals were present.

I. MEETING CALLED TO ORDER at 7:00 P.M. by Planning Commission Chairperson Bachakes with Roll Call and Pledge to the American Flag.

II. APPROVAL OF AGENDA:

COMMISSIONER PECK MOVED, supported by Commissioner Bolin to approve the amended agenda to insert Zoning Administrator Comments as Item Eight (VIII) and move the other meeting items down accordingly.

THE MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES:

1. **COMMISSIONER PECK MOVED**, supported by Commissioner Mills to approve the minutes of the November 14, 2022 meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bolin, Mills, Bachakes, Peck, and Lloyd

NAYS: None

ABSENT: Moon and Davis

THE MOTION CARRIED.

2. **COMMISSIONER BOLIN MOVED**, supported by Commissioner Mills to approve the corrected minutes of the September 12, 2022 meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Mills, Bachakes, Peck, Lloyd, and Bolin

NAYS: None

ABSENT: Moon and Davis

THE MOTION CARRIED.

IV. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS 7:03 P.M.

One public comment was made in regards to the Site Plan on the agenda.

CLOSED FOR PUBLIC COMMENTS 7:05 P.M.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

1. Election of Officers

COMMISSIONER PECK MOVED, supported by Commissioner Mills that we have Commissioner Bachakes remain Chair of the Planning Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Mills, Bachakes, Peck, Lloyd, and Bolin

NAYS: None

ABSENT: Moon and Davis

THE MOTION CARRIED.

COMMISSIONER PECK MOVED, supported by Commissioner Lloyd that Commissioner Mills is elected Vice Chair of the Planning Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bachakes, Peck, Lloyd, Bolin, and Mills

NAYS: None

ABSENT: Moon and Davis

THE MOTION CARRIED.

COMMISSIONER PECK MOVED, supported by Commissioner Mills that Commissioner Bolin is elected Secretary of the Planning Commission.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Lloyd, Bolin, Mills, and Bachakes

NAYS: None

ABSENT: Moon and Davis

THE MOTION CARRIED.

2. Approval of 2023 Planning Commission meeting dates

COMMISSIONER BOLIN MOVED, supported by Commissioner Mills to approve the 2023 Planning Commission meeting dates.

ACTION ON THE MOTION

AYES: 5

NAYS: 0

ABSENT: 2

THE MOTION CARRIED.

3. Discussion and possible motion regarding the Site Plan for Flushing Bibi Villas

Commissioner Bachakes spoke briefly about the history of this project. She stated the developers had come to get the property rezoned to allow for garden apartments or townhouses and the site plans in the packet had been reviewed by Rowe Engineering and were currently being reworked to resolve the issues Rowe had found.

Zoning Administrator Chris Czyzio answered questions the commissioners had. Mr. Czyzio stated it was still being discussed as to whether this development would be rented housing or purchased. He also stated that he would be meeting with the developer again before the next planning Commission meeting. Commissioner Bachakes asked if a change in the type of road for the development would change the amount of housing allowed and Mr. Czyzio confirmed that if that was to happen, they would have to comply with the ordinances involved in such a change.

Treasurer Peck shared that this developer has many similar projects going on, both in and outside of the county. Commissioner Mills thanked Mr.Czyzio for his work in the role of Zoning Administrator and said he's a great asset for our community.

NO MOTION WAS MADE.

4. Introduction to proposed Short-Term Rental Ordinance

Commissioner Bachakes had Zoning Administrator Chris Czyzio speak on this proposed ordinance and answer questions. Commissioner Bachakes asked for further clarification about the amount of permits the Township would allot a year. Commissioner Bolin asked Chris what issues he found other townships have when gathering information on short-term rental regulation. Chris stated most often these ordinances are put in place to protect the community from losing it's character and being overcome by noise violations, traffic, and parking issues, among other things. Commissioner Bolin also asked if there could be changes made to the way the local contact person would be required to give out their information. Commissioner Bachakes asked if clarification could be made for the expiration date of the permits.

Chris Czyzio stated that this draft had also been sent to Rowe Engineering for review. Mr.Czyzio stated the ultimate goal for this ordinance was to protect the township resident experience with the growing short-term rental economy.

VII. PUBLIC COMMENTS

OPEN FOR COMMENTS: 7:31 P.M.

Four comments were made pertaining concerns about the Flushing Bibi Villas.

CLOSED FOR COMMENTS: 7:53 P.M.

VIII. ZONING ADMINISTRATOR COMMENTS

Chris Czyzio gave a brief list of items he has and will be working on that may come to the Planning Commission for future meetings.

- Roadside stands; they are not currently a problem but they have been in the past and with summer coming we may need to revisit our regulations.
- Accessory structures in the front yard; looking to create a formula to see if a parcel would qualify to have such a structure, to reduce the amount of these cases coming before the Planning Commission.
- Farm animal ordinance; clarification is needed about lot size in relation to the allowed animal units, many calls have been received from frustrated residents when the ordinance is left open to interpretation.

- Split zoning of a property on Mt. Morris Road; the property is currently zoned two different ways, we believe this is the result of a split or merge many years ago, we need to speak with the owner of the property.

IX. COMMISSION COMMENTS

Commissioner Bachakes welcomed Timothy Lloyd to the Planning Commission and stated that the other new member, Michael Moon, was unable to join them tonight. Commissioner Bachakes also told the Planning Commission about the upcoming educational opportunities. Treasurer Peck stated that the state of Michigan is taking over a lot of zoning operations and heavily pressuring counties to create more solar fields. When navigating the solar ordinance Treasurer Peck attended a similar educational class and found it very helpful about that topic, encouraging other Planning Commission members to attend as many classes as possible. Commissioner Bolin thanked Chris Czyzio for all his hard work recently done for the Township.

X. NEXT REGULAR SCHEDULED MEETING

MONDAY, MAY 8, 2023 AT 7:00 P.M.

XI. ADJOURNMENT

With no further business, the meeting adjourned at 8:05 P.M.

VICKI BACHAKES, Chairperson

AMY BOLIN, Secretary

Date of Approval

Makenzie Dearlove, Recording Secretary

ZONING PERMIT

CHARTER TOWNSHIP OF FLUSHING

6524 N. Seymour Road

Flushing, Michigan 48433

810-659-0800 Fax 810-659-4212

Receipt # _____

Date: _____

Permit Fee: _____

Initial: _____

APPLICANT TO COMPLETE ALL ITEMS IN SECTIONS. NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR BUILDING, PLUMBING, MECHANICAL, AND ELECTRICAL PERMITS IF REQUIRED. SOIL EROSION PERMIT THROUGH GENESEE CTY.

Parcel # _____

Estimated Value of Structure \$ 52,000

LOCATION OF BUILDING

STREET LOCATION: 3107 N Seymour Rd.

ZONING DISTRICT: _____

CITY: FLUSHING STATE: MI ZIP 48433

OWNERSHIP: Private Public

between _____ and _____

LOT SIZE: 7.3 Acres

TYPE OF IMPROVEMENT:

- NEW BUILDING
- ALTERATION
- DEMOLITION
- FOUNDATION ONLY
- MOBILE HOME SET-UP
- PRE-MANUFACTURE
- SPECIAL INSPECTION
- RELOCATION
- ADDITION
- REPAIR

RESIDENTIAL PROPOSED USE:

- ONE FAMILY
- TWO OR MORE FAMILY # UNITS _____
- HOTEL, MOTEL # UNITS _____
- ADDITION SIGN
- POOL FENCE
- ATTACHED/DETACHED GARAGE
- DECK POND
- STORAGE SHED
- POLE BUILDING
- OTHER _____

NON-RESIDENTIAL PROPOSED USE:

- AMUSEMENT
- CHURCH, RELIGION
- INDUSTRIAL
- PARKING GARAGE
- SERVICE STATION
- OFFICE, BANK
- PROFESSIONAL
- RETENTION AREA
- LIBRARY
- STORE, MERCANTILE
- TANKS, TOWERS
- PUBLIC UTILITY
- HOSPITAL/INSTITUTE
- SIGN

NON-RESIDENTIAL DESCRIBE IN DETAIL PROPOSED USE OF BUILDING, E.G. FOOD PROCESSION PLANT, MACHINE SHOP, LAUNDRY BUILDING, PARKING GARAGE FOR DEPARTMENT STORE. IF USE OS EXISTING BUILDING IS BEING CHANGED ENTER PROPOSED USE.
COOL STORAGE

CHARACTERISTICS OF BUILDING

- PRINCIPAL TYPE OF FRAMING
- Masonry (wall bearing)
 - Wood frame
 - Structural steel
 - Reinforced concrete

NUMBER OF OFF-STREET PARKING

Enclosed _____

Outdoors _____

Other: _____

RESIDENTIAL BUILDINGS ONLY

Number of Bedrooms N/A

Number of bathrooms N/A

Number of partial bathrooms N/A

DIMENSIONS

No. of Stories _____

Total square feet of floor area 1,600

Total land area square feet/acres 1,600 sq ft

IDENTIFICATION OF APPLICANT

APPLICANT IS RESPONSIBLE FOR ALL FEES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

OWNER OR LESSEE: Michael J. Blaszkowski ADDRESS: 3107 N Seymour Rd.

CITY: FLUSHING STATE: MI ZIP: 48433 PHONE NUMBER: _____

CONTRACTOR: D+J Building ADDRESS: 6422 Fosterian Rd.

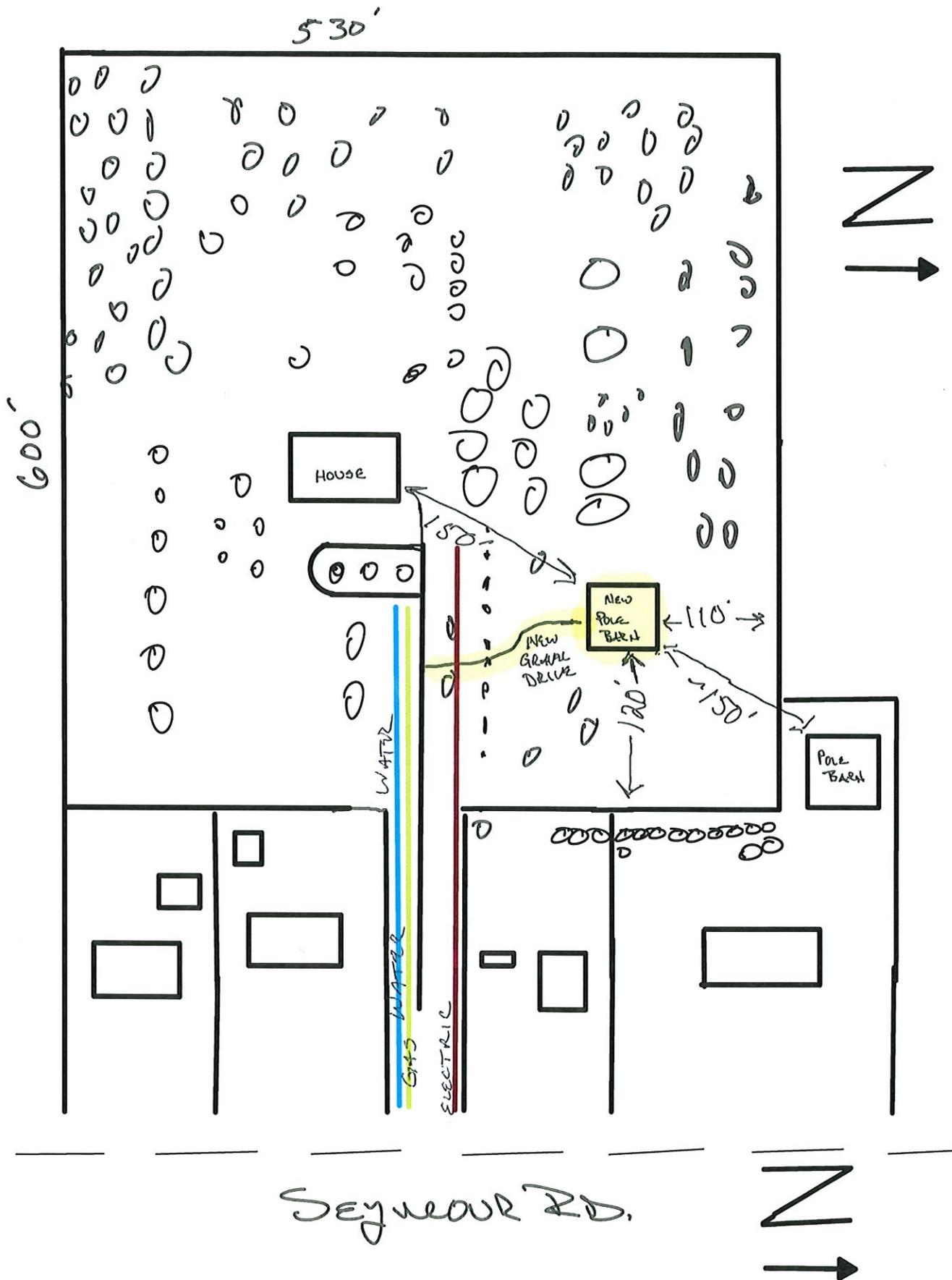
CITY: OTTESE LAKE STATE: MI ZIP: 48464 PHONE NUMBER: _____

BUILDERS LICENSE # _____ EXPIRATION DATE: 5-31-2023

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN, GENESEE COUNTY AND THE TOWNSHIP OF FLUSHING, ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF APPLICANT: [Signature]

DATE: 4/6/2023



APPROVED [Signature] 4-6-23

SPECIAL USE PERMIT REQUEST FORM

Special Use Permit Request Cas No. _____
Variance Fee: \$650
Date Paid: 4/6/23
Date Notice was Published: _____
Date of Public Hearing: _____
Affidavit Attached: _____

PAID
APR 06 2023
CHARTER TOWNSHIP
OF FLUSHING

FLUSHING TOWNSHIP PLANNING COMMISSION SPECIAL USE PERMIT REQUEST

Required information from owner or person having interest in requesting Planning Commission (PC) review and opinion.

1. Name of applicant/owner requesting PC review and opinion

A. Applicant

Name: MICHAEL J. BLASZKOWSKI
Address: 3107 N SEYMOUR RD
FLUSHING 48433
Phone: [REDACTED]

B. Owner of property (if different than above)

Name: _____
Address: _____
Phone: _____

2. Location of Property

Street number and name: 3107 N SEYMOUR RD
Property tax identification number: 08-34-300-009
Legal description of property involved: LOT D FAIR ACRES AND A PARCEL BEGINNING AT SW CORNER OF LOT 19 FAIR ACRES TH W 600 FT THEN N 530.81 FT TH E 600 FT TH S 530.81 FT TO PL OF BEG SEC 34 T8N R5E OWN & OCCUPIED AS ONE PARCEL

List deed restrictions and easements: _____

Present zoning of property: R5A

3. With all requests, a site plan must be submitted (se attached stie plan form)

4. Answer the following questions of the affidavit:

a. What is the purpose of the request for a Special Use Permit?

TO SEEK A VARIANCE TO ALLOW CONSTRUCTION OF A
40x40 POLE BUILDING FORWARD OF THE FRONT
OF THE HOUSE.

ACKNOWLEDGEMENT AND CERTIFICATION: It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that in case of cancellation or failure of the owner or his representative to appear at the hearing, I understand that all fees will be forfeited.



Signature of Applicant

Signature of Owner (If different than the applicant)

PLANNING COMMISSION:

The Planning Commission (PC) having reviewed the submitted data do hereby:

() APPROVE () DISAPPROVE the application for the following reasons: _____

If approved, are there conditions? _____

Date

Chairperson

This form and any required site plan **MUST** be completed in full and turned into Flushing Township **30 DAYS BEFORE THE SCHEDULED** Planning Commission meeting date to insure all Commission members have the necessary information:

Date of Next Meeting: _____ Fee Due: _____
Date Paid: _____
Paperwork Due By: _____ Amount Paid: _____
Receipt #: _____

RESIDENTIAL SITE PLAN REVIEW CHECKLIST

Name of Applicant: Michael J. Blaszkowski
Mailing Address: 3107 N. SEYMOUR RD. FLUSHING 48433
Property Address: 3107 N. SEYMOUR RD. FLUSHING 48433
Parcel Number: 08-34-300-009
Proposed Use: COLD STORAGE
Existing Zoning: _____

Section 36-1902 Site Plan Review Requirements:

Before any Permit shall be issued, a site plan drawn to a scale of one (1) inch equals twenty (20) feet, and at least two (2) copies of this site plan shall be submitted to the township clerk. **Such site plan drawing shall contain ALL of the following information:**

PLEASE PLACE AN ANSWER IN EVERY BOX UNDER PROPOSED.

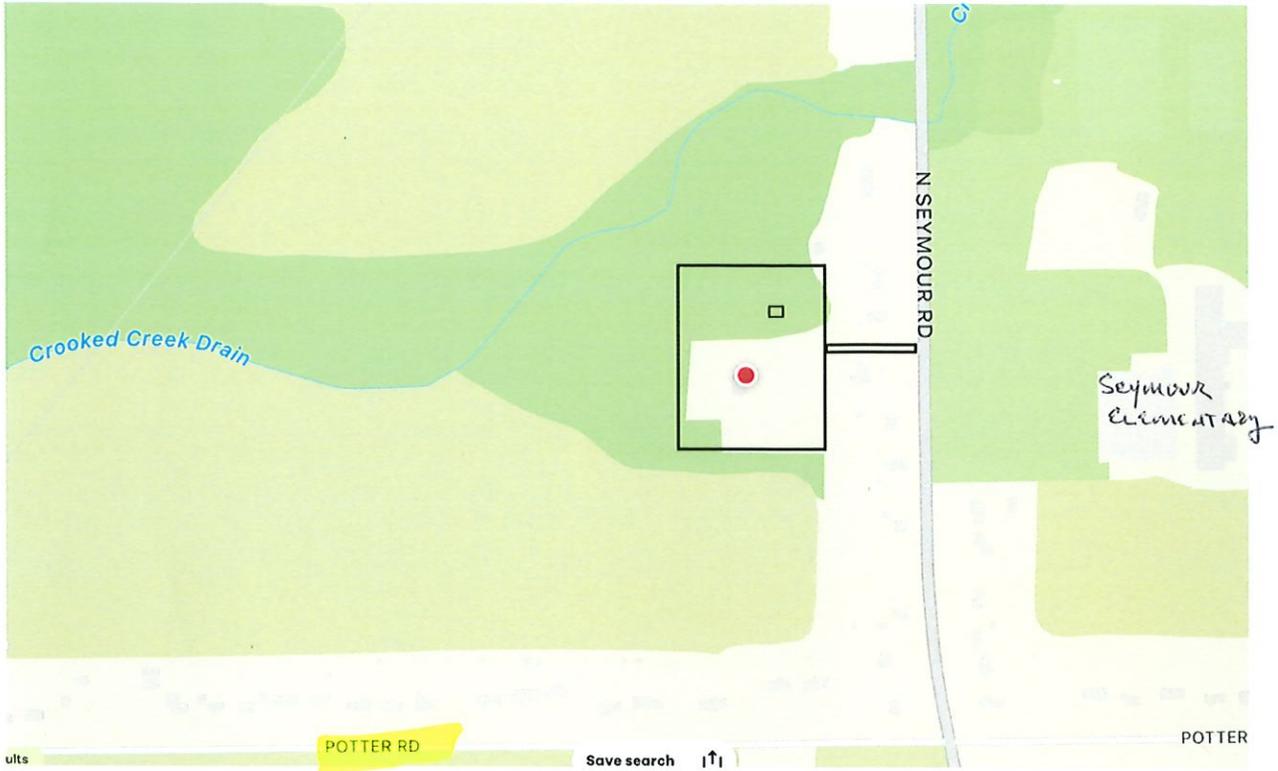
ORDINANCE REQUIREMENTS	COMMISSIONERS REVIEW	APPLICANT'S PROPOSAL
(a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.		N/A
(b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.		SEE DRAWINGS
(c) Vehicular traffic and pedestrian circulation features within and without the site.		SEE DRAWINGS
(d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.		N/A
(e) The location, dimensions and proposed use of all on-site recreation areas, if any.		N/A
(f) The location of all proposed landscaping, fences or walls.		N/A
(g) The height and dimensions of all structures.		40'x40'x12' 18' PEAK. SEE ATTACHED DRAWINGS
(h) Front, rear and side elevations of any typical structure proposed for development.		SEE ATTACHED DRAWINGS

Site Plan Review Checklist

<p>(i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.</p>		<p>N/A</p>
<p>(j) The locations, dimensions and lighting of all signs.</p>		<p>N/A</p>
<p>(k) The location, intensity and orientation of all lighting.</p>		<p>N/A</p>
<p>(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.</p>		<p>SEE DRAWING</p>
<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>SEE DRAWING</p>
<p>(n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.</p>		<p>N/A</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>N/A</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>

Site Plan Review Checklist

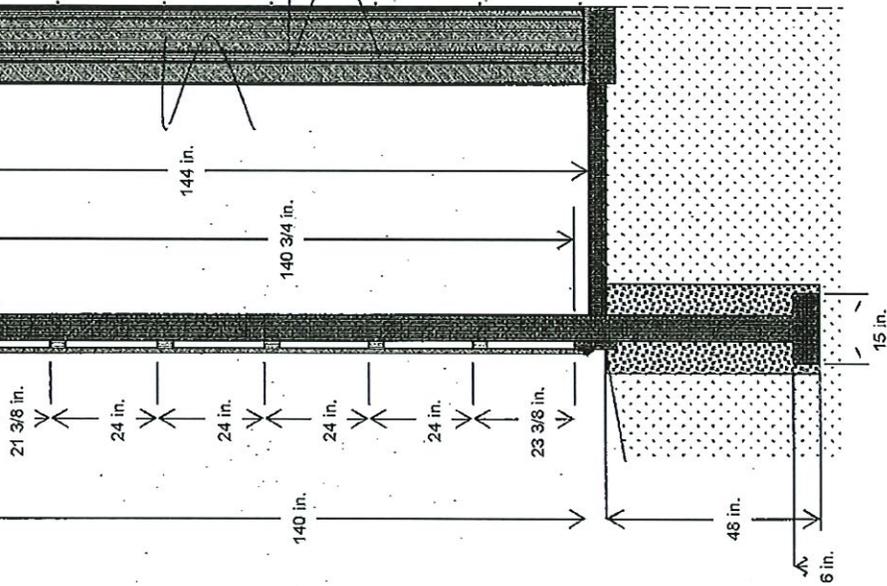
<p>(q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.</p>		<p>N/A</p>
<p>(r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.</p>		<p>N/A</p>
<p>(s) Submission of the "Hazardous Substances Reporting Form for Site Plan Review."</p>		<p>N/A</p>
<p>(t) Submission of the "State/County Environmental Permits Checklist."</p>		<p>SOIL EROSION PERMIT PERDOKY</p>
<p>(u) 100 year floodplain.</p>		<p>N/A</p>
<p>(v) Topographic lines at 1' intervals.</p>		<p>SEE DRAWINGS</p>
<p>(w) Proposed and existing utilities including water, sewer, storm water and lighting.</p>		<p>SEE DRAWINGS</p>
<p>(x) Driveway location.</p>		<p>SEE DRAWINGS</p>
<p>(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).</p>		<p>TRSA</p>
<p>(z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).</p>		<p>N/A</p>
<p>(aa) Easements impacting property.</p>		<p>N/A</p>
<p>(bb) Underground utilities present on property.</p>		<p>SEE DRAWINGS</p>



GABLE1 CROSS SECTION

ROOF LAYER 1: ASH GREY CLASSIC RIB DRIP STOP STEEL PANEL

4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL (HEEL HEIGHT: 0-5-12 OR 5 3/4 IN.)
 TRUSS SPACING: 48 IN. O.C.
 TRUSS LOADING INFORMATION:
 TCDL/BCDL/BCLL/BCDL 30-10-0-10
 TOTAL TRUSS LOADING = 56 P.S.F.
 BRACE PER TRUSS MANUFACTURERS RECOMMENDATIONS



INTERIOR FINISHED FLOOR HT. WILL BE 3 1/4 in. BELOW THE TOP OF THE SKIRT BOARD
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.
 UNDISTURBED SOIL OR COMPACTED SAND FILL BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL & COMPACT
 PIER FOOTING: PRECAST 3000 P.S.I. 15 IN. X WIDE 6 IN. THICK CONCRETE PAD

PURLINS: 2 X 4 SPF #2 & BETTER FASTENED LAYING FLAT
 SUB FACIA: 2 X 6 SPF #2 & BETTER
 FACIA COVERING: QUALITY ALUMINUM PRODUCTS WHITE 6 IN X 12 FT ALUMINUM FACIA
 UNDEREAVE: QUALITY ALUMINUM PRODUCTS WHITE 12 IN X 12 FT ALUMINUM SOLID SOFFIT

CORNER POSTS: #2.60 CCA TREATED 6 X 6
 INTERMEDIATE POSTS: #2.60 CCA TREATED 6 X 6 SPACING 8 FT O.C.
 EXTERIOR CARRIER: L.V.L. 1.75 X 9.25
 INTERIOR CARRIER: L.V.L. 1.75 X 9.25
 EXTERIOR WALL GIRTS: SPF #2 & BETTER 2 X 4
 WALL LAYER 1: ASH GREY CLASSIC RIB STEEL PANEL

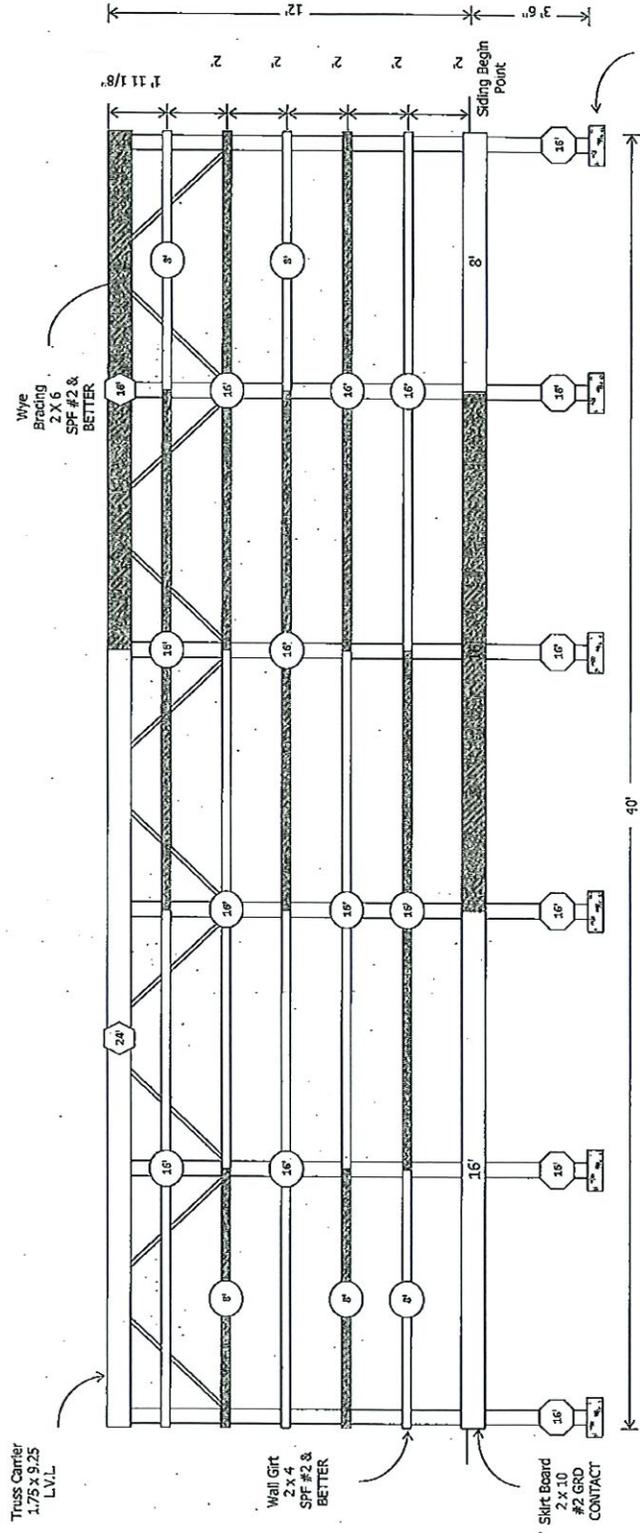
EXTERIOR SKIRT BOARD: #2 GRD CONTACT ALT TRT 2 X 10

SIDING BEGINS 2 3/8 IN. BELOW THE TOP OF SKIRT BOARD

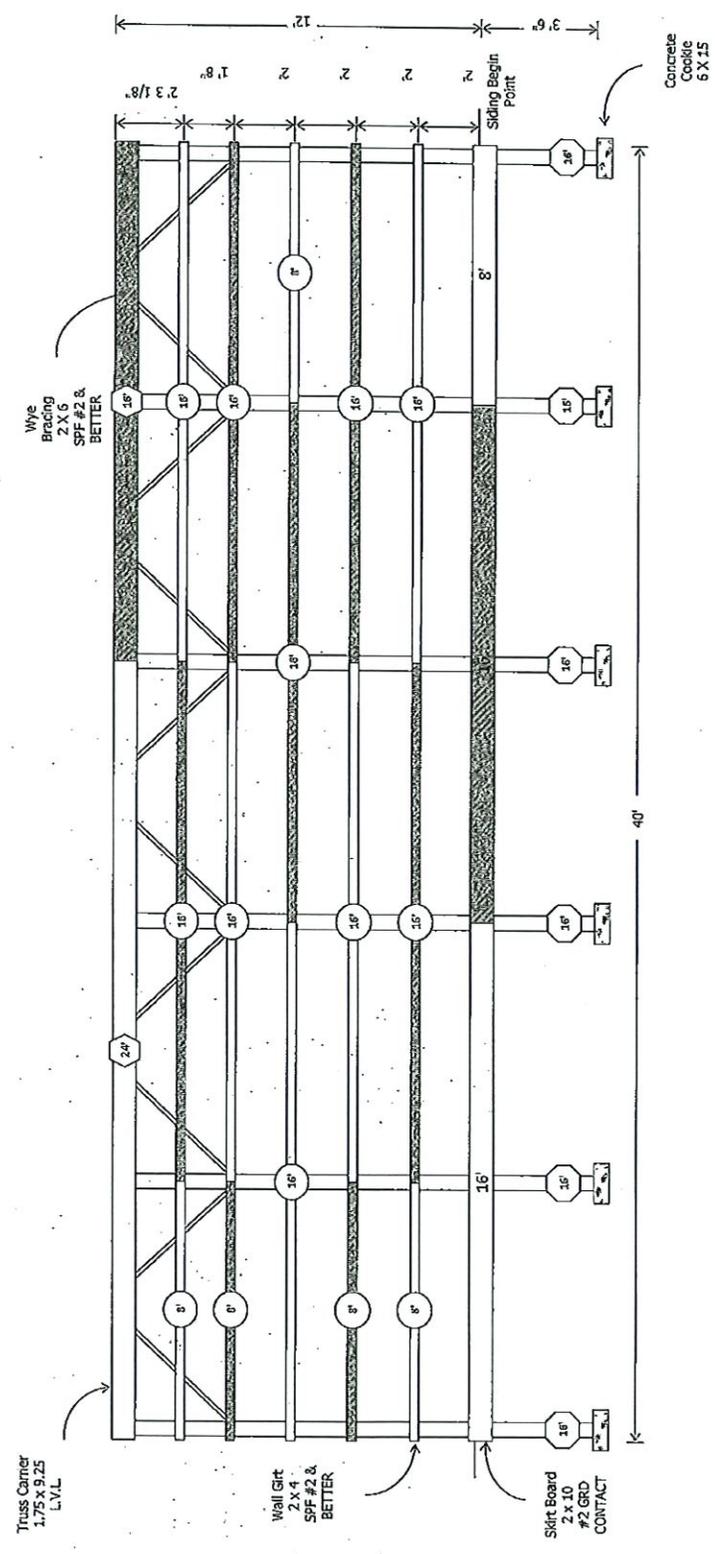
EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT BOARD

"Dj Blaszkowski
 Estimate Number: 711
 3/20/2023"

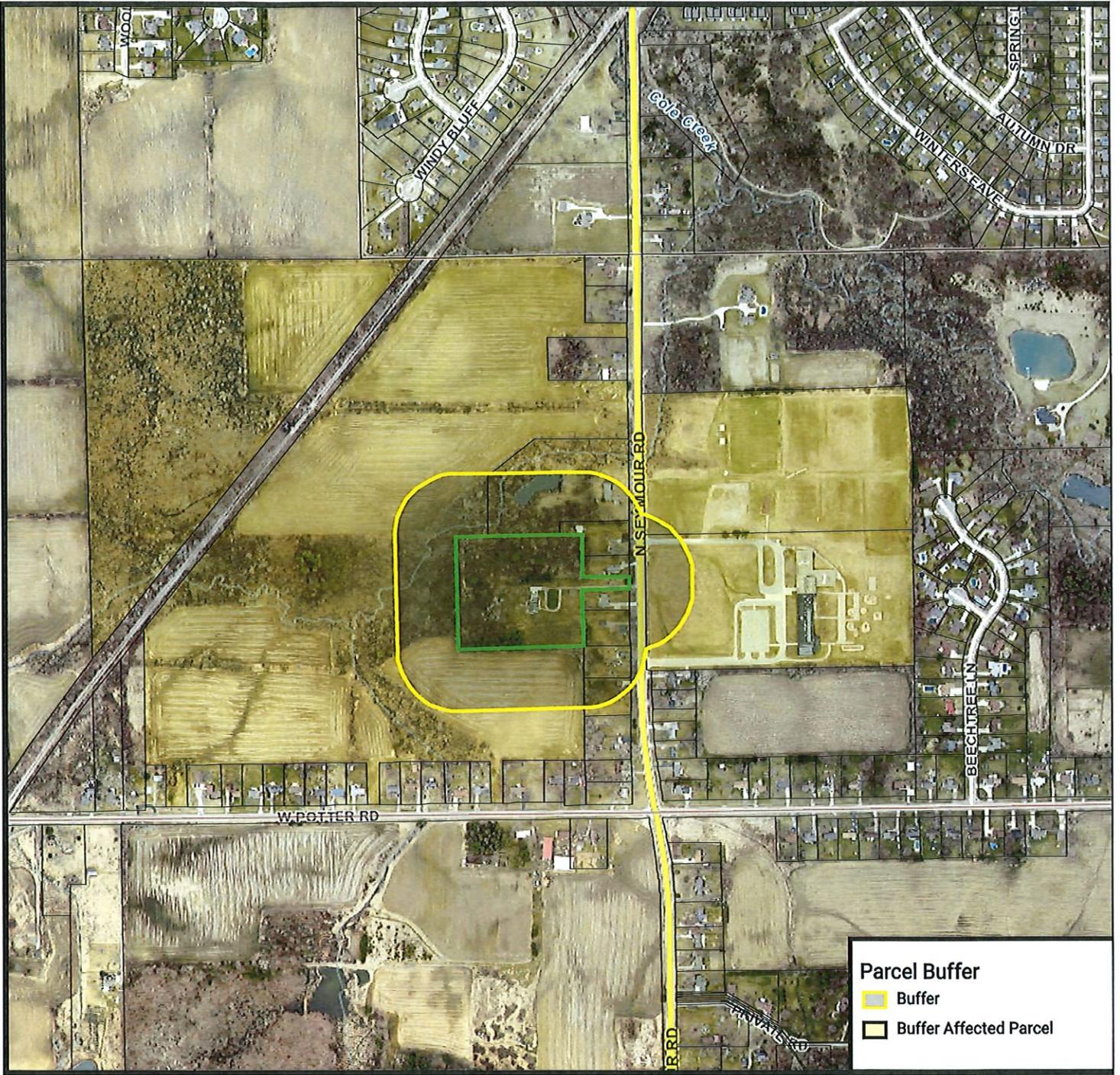
WEST SIDE-EAVE SIDE-1 WALL GIRT-VIEW



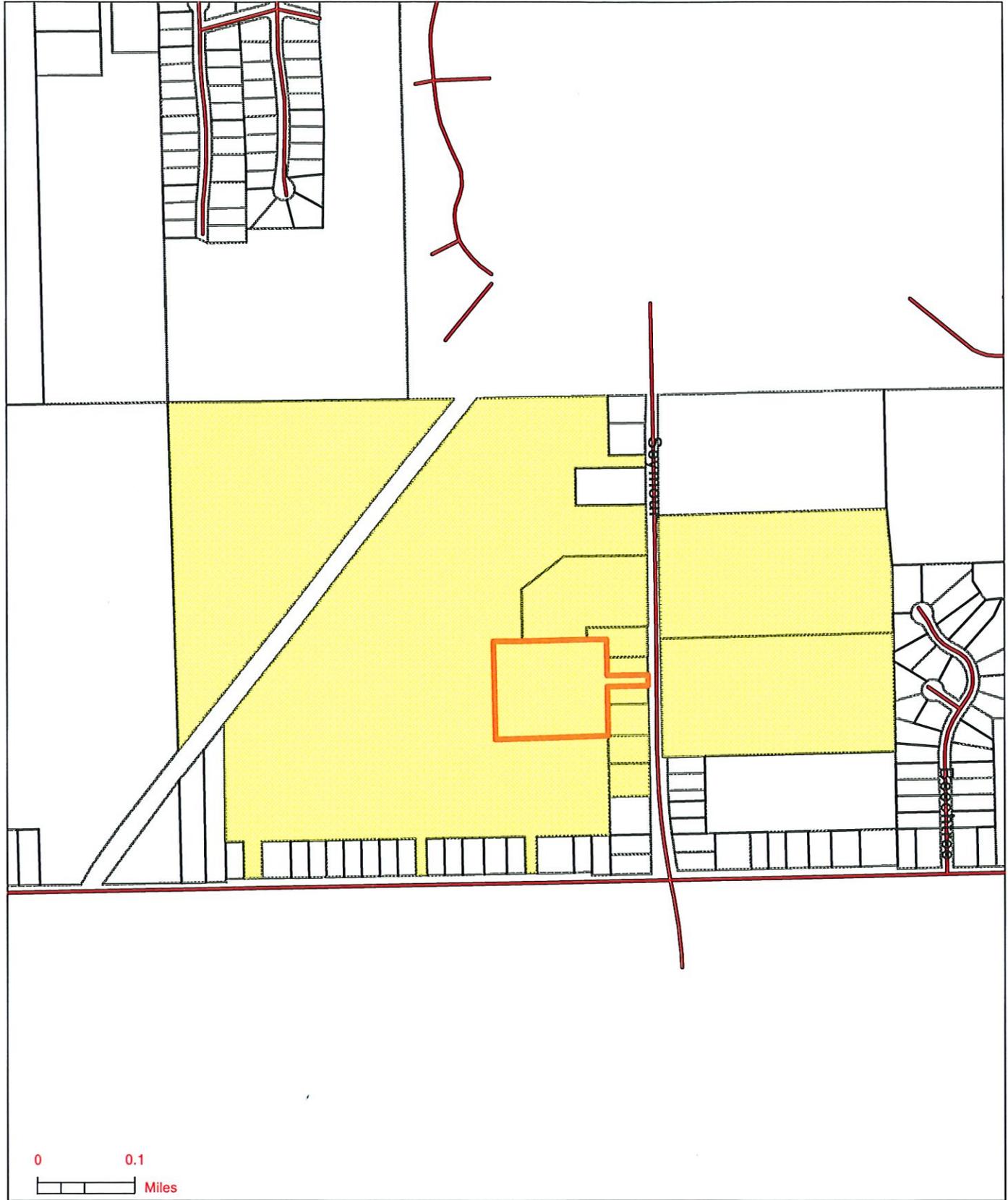
EAST SIDE-EAVE SIDE 2 WALL GIRT VIEW







BASEMAP



CHARTER TOWNSHIP OF FLUSHING

6524 North Seymour Road
Flushing, Michigan 48433
(810) 659-0800 Fax (810) 659-4212
www.flushingtowship.com

Administration

Supervisor – Frederick R. Thorsby
Clerk – Wendy D. Meinburg
Treasurer – Terry A. Peck

Trustees

William Bain
Linda Minarik
William L. Westenbarger
Sharilynn K. Willette

April 13, 2023

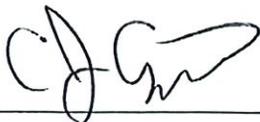
Re: Planning Commission Meeting

Dear Property Owner:

MICHAEL BLASZKOWSKI has petitioned the Charter Township of Flushing Planning Commission for the purpose of obtaining a Special Use Permit to place an Accessory Structure in the front yard located at 3107 N. Seymour Rd., Flushing, Michigan 48433, Parcel Number: 08-34-300-009, pursuant to *Section 36-400 "Accessory Structures"*.

As you own property within 300 feet of the request, you are hereby notified of a Meeting of the Flushing Township Planning Commission to be held on Monday, May 8, 2023 at 7:00 P.M., at the Flushing Charter Township Hall, 6524 N. Seymour Road, Flushing, Michigan.

You may attend this meeting if you desire, but if you are unable to attend, you may submit your position in writing to the address listed above, Attention: Zoning Administrator or call 810-659-0800.



Chris Czyzio, Zoning Administrator
Charter Township of Flushing

MR. BLASZKOWSKI HAS SPOKEN TO ME
AND I HAVE NO OBJECTION TO
HIS PROJECT.

Kathryn Hiller
3101 N SEYMOUR RD

5/11/23

Attn: Chris ~~Czyzio~~ Czyzio, Zoning Admin

CHARTER TOWNSHIP OF FLUSHING

6524 North Seymour Road
Flushing, Michigan 48433
(810) 659-0800 Fax (810) 659-4212
www.flushingtowship.com

Administration

Supervisor – Frederick R. Thorsby
Clerk – Wendy D. Meinburg
Treasurer – Terry A. Peck

Trustees

William Bain
Linda Minarik
William L. Westenbarger
Sharilynn K. Willette

April 13, 2023

5/1/2023
I have no objection.
Mike needs this and
I see no harm to anyone.

Re: Planning Commission Meeting



Dear Property Owner:

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Chris Czyzio, Zoning Administrator
Charter Township of Flushing

Charter Township of Flushing
Genesee County, Michigan
~~Ordinance 23-01~~ **CHAPTER 16 ARTICLE 8**

THIS ORDINANCE SHALL BE KNOWN AS THE SHORT-TERM RENTAL ORDINANCE.

The Township of Flushing Ordains:

Section 1: Purpose

The Flushing Township Board finds and declares as follows:

- A. The township wishes to preserve and retain the residential community character of the Township.
- B. These standards are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhoods in which rentals are located. All rentals shall meet the standards contained herein and shall be so located and constructed that the average neighbor, under normal circumstances, will not be aware of its existence. These standards are also to provide for and protect the welfare of full-time residents and to discourage the purchasing of property for vacation rental uses.
- C. It is the intent of the Flushing Township Short Term Rental Ordinance to make the Short-Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- D. The transitory nature of occupants of Short-Term Rentals makes continued enforcement against the occupants difficult.
- E. The provisions of this ordinance are necessary to prevent any burden placed upon county and township services and any impact on residential neighborhoods posed by Short Term Rental homes.

Section 2: Applicability and Exceptions

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Flushing Township Code of Ordinances. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations or bylaws, or rental agreements.

The following circumstances do not constitute a **short-term** rental:

- A. Family occupancy. Any member of a family, as well as that family member's guests, may occupy a dwelling as long as that family member's family or an entity in which the family

member has an ownership or control interest owns the dwelling and the occupancy is without remuneration to the owner. Family occupancy also exempts guest houses or similarly separate dwellings legally located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without remuneration to the owner.

- B. House sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
- C. Dwelling sales. Occupancy of up to 90 days by a prior owner after the sale of a dwelling under a rental agreement following closing permitted.
- D. Estate representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration is permitted. The estate shall notify the township of the owner's name, date of death, and name of the person occupying the premises.
- E. Occupancy in excess of 30 days is not a short-term rental.

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. ~~A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes.~~ One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the property (or portion thereof) used as a Short-Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short-Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his **their** functions through a managing agent of any type or character, other than an employee, or where the operator performs ~~his~~ **their** functions through a rental agent, the managing agent or the rental agent has the same

duties as ~~his~~ **their** principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short-Term Rental.

Parking space, off-street. ~~An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.~~ **A space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.**

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short term rental. The commercial use of renting a dwelling unit for a period of time less than fourteen (14) consecutive calendar days. Short term rental does not include a bed and breakfast permitted and operated in accordance with the Flushing Township Zoning Ordinance. (36-1804) K

Section 4: Short Term Rental Standards

All short-term rentals must meet the following standards:

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short-Term Rental property.
- C. Flushing Township will limit the number of Short-Term Rental Permits to **a total of fifty (50)** per calendar year. There are no restrictions on the number units operated by a single individual.
- D. Local Contact Person:
 1. Each owner of a Short-Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
 2. The local contact person must be available twenty-four (24) hours a day during the rental period and be within thirty (30) minutes travel time of the property (or portion thereof) used for a short-term rental.
 3. **Upon request** the Township will provide the phone number of the local contact to ~~all~~ **the any** neighbor(s) within three hundred (300) foot radius of the subject property boundaries. **The phone number of the local contact shall be provided to the Flushing Township Police Department.**

4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.
- E. This ordinance applies to all Permitted Zoning Districts.
- F. All parking associated with the Short-Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area. No parking will be allowed on grass.
- G. Special events, outdoor events, lawn parties, weddings, or similar activities are not allowed on the site for more than the number of permitted occupants.
- H. Chapter 8 of the Flushing Township Code of Ordinances shall have authority over pets. Pets shall be secured on the Property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer.
- I. Fireworks of any kind are not allowed on rental property except in accordance with the Flushing Township Code of Ordinances Chapter 20 Article 3.
- J. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned. Subject of Flushing Township Code of Ordinances Chapter 5 Article 1.
- K. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- L. The owner shall maintain a septic system or sewer connection that is in substantial compliance with the Genesee County Health Department standards.
- M. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM. The Flushing Township Code of Ordinances Section 18-80 shall also apply.
- N. The allowance length of stay is capped at fourteen (14) days for any guest(s).
- O. The owner shall require these standards be met by renters as part of all rental agreements.
- P. When a short-term rental property is sold, the permit will expire at sale and is not transferable; permit will revert to Flushing Township after expiration, sale, revocation or twelve (12) months of non-activity and will be redistributed according to this ordinance.
- Q. Prior to the issuance of a permit, Flushing Township Building Official or designee shall conduct an inspection of the proposed short term rental to determine compliance with the standards herein and all applicable zoning, building, health and safety codes. A permit shall not be issued without a satisfactory determination by the Building Official. A request for a renewal permit shall also require a satisfactory inspection by the Building Official.

- R. After Inspection by the Building Official, and upon determination that a short-term rental applicant has met all requirements of this ordinance, a permit shall be issued by the Zoning Administrator.

Section 5: Owner Responsibilities

- A. The owner must ensure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct when notified that occupants are violating laws regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place themselves in harm's way.

Section 6: Short Term Rental Permit

- A. Any dwelling rented during a calendar year requires a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short-Term rental property.
- C. The following application elements are required prior to receipt of a Short-Term Rental Permit or permit renewal.
 - 1. A fully completed and signed Short Term Rental Permit Application form provided by Flushing Township including all the required supplemental documents.
 - 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short-Term Rental.
 - 3. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
 - 4. The owner will certify the presence of working smoke and carbon monoxide detectors located per manufacturers recommendations and any local governmental code or standard **by signing the initial or renewal application form.**
 - 5. The owner will consent to inspections and making the unit available for inspections upon request.
- D. A Short-Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for the following year is guaranteed if reapplication is applied for as provided for in the Short-Term Rental Application Policy. A fee shall be charged as per the Charter Township of Flushing's User Fees.

Section 7: Violation and Administrative Penalties

- A. Any of the following conduct is a violation of the Short-Term Rental ordinance:
 1. Any advertising or leasing of a short-term rental without first having obtained a short-term rental permit.
 2. The permit holder has failed to comply with the standard conditions specified in the Short-Term Rental Standards section of this ordinance.
 3. The permit holder has violated any of the provisions of this ordinance.
 4. Any false or misleading information was supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:
 1. For a first violation within a calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 4. If there are one or more violations each year during three (3) consecutive year period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Flushing Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- D. The Flushing Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.
- E. It shall be unlawful for any person to operate a short-term rental while the license is suspended or revoked.

Section 8: Severability

If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

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Charter Township of Flushing Short-term Rental Permit Application

Property Owner

Name: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____ Email: _____

Agent Name (if applicable)

Name: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____ Email: _____

24-Hour Contact Person

Name: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____ Email: _____

Property Information

Street Address: _____

Development Name (if applicable): _____

Property Tax ID #: _____

Maximum # of occupancy: _____ Parking capacity # of vehicles: _____

The Property Owner is hereby notified that the Michigan Personal Residence Exemption status on this property may be affected by signing this Application.

It is the Property Owner's responsibility to protect themselves with the home owner's insurance coverage for short term rental activity.

It is the responsibility of the Property Owner to be aware and comply with the rules of the U.S. Internal Revenue Service with regard to Residential Rental Property.

The Township may provide the assessor and the IRS with this information.

The Short-Term Rental Permit is not transferable upon sale or transfer of the property.

The Short-Term Rental Permit may be revoked for failure to comply with the Short-Term Rental Ordinance. If revoked, reapplication for a new Short Term Rental Permit may be applied for, but no sooner than one year from the date of revocation.

With granting of a Short-Term Rental permit it is agreed that the operation will conform with the Charter Township of Flushing Short Term Rental Ordinance and that the Township shall not be held liable for any damages resulting therefrom.

The Property Owner will certify the presence of working smoke and carbon monoxide detectors located per manufacturers recommendations and any local governmental code or standard **by signing the initial or renewal application form.**

The Property Owner will consent to inspections and making the unit available for inspections upon request.

I have read the Flushing Charter Township Short Term Rental Ordinance and the information on this application and acknowledge and state that it is accurate to the best of my knowledge. If any information that I have provided as actual and truthful is indeed false and untrue I understand that this permit may be revoked, and that I may not reapply for a Short-Term Rental Permit for a one-year period.

Print name of Owner/Agent

Signature of Owner/Agent

Date: _____

Office Use

Renewal: Yes _____ No _____

Date of Application: _____ Date Issued: _____

Date of Completion: _____ Permit No.: _____

Required Attachments:

- Photocopy of recorded deed or land contract.
- Deed restrictions/home owner association documents (if applicable).
- Site plan of property (may be hand-drawn and must include measured dimensions) indicating property lines, building's driveway, parking area, drain field location and docks (if applicable).

Short Term Rental Requirements

All Short-Term Rentals must meet the following standards:

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 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.

~~E. This ordinance applies to all Permitted Zoning Districts.~~

- F. All Parking associated with a Short-Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area. No parking will be allowed on grass.
- G. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- H. Chapter 8 of the Flushing Township Code of Ordinances shall have authority over pets. Pets shall be secured on the property or on the leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer.
- I. Fireworks of any kind are not allowed on rental property except in accordance with the Flushing Township Code of Ordinances Chapter 20 Article 3: Consumer Fireworks Ordinance.
- J. No person shall start or maintain a fire except within provided devices or locations. Fire shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned. Subject to Flushing Township Code of Ordinances Chapter 5 Article 1.
- K. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- L. The owner shall maintain a septic system or sewer connection that is in substantial compliance with the Genesee County Health Department Standards.
- M. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM. The Flushing Township Code of Ordinances Section 18-80 shall also apply.
- N. The owner shall require these standards be met by renters as part of all rental agreements.

- Notes:** Will also require revision to Code of Ordinances Table 36-701
Add "Short-Term Rental" to residential and related uses (NS)?
Will also require revision to Flushing Township Fee Chart \$100

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