

CHARTER TOWNSHIP OF FLUSHING

6524 N. Seymour Road, Flushing, MI 48433

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

www.flushingtowship.com

ZONING BOARD OF APPEALS AGENDA

DATE: January 30, 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

I. CALL THE MEETING TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. APPROVAL OF PREVIOUS MINUTES: September 25, 2023

IV. PUBLIC COMMENTS: Pertaining to Agenda Items Only. Each speaker limited to three minutes.

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.
2. Possible Motion 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.

VII. NEXT REGULAR MEETING:

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

VIII. ADJOURNMENT



CHRIS CZYZIO, Zoning Administrator
Charter Township of Flushing

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ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES

DATE: SEPTEMBER 25, 2023

TIME: 4:00 P.M.

MEMBERS OF ZONING BOARD OF APPEALS

Chair – Steve Moulton

Andrew Eichorn

Vice Chair – Richard Vaughn

James Sarka

Planning Commission Representative – Craig Davis

Jeanette Sizemore, Recording Secretary

PRESENT: Eichorn, Davis, Vaughn, Sarka, and Moulton

ABSENT: None

OTHERS PRESENT: Seven (7) other individuals were present.

I. MEETING CALLED TO ORDER at 4:00 P.M. by Zoning Board of Appeals Chairperson Moulton with Roll Call and Pledge to the American Flag.

II. APPROVAL OF AGENDA:

MR. VAUGHN MOVED, supported by Mr. Eichorn to approve the agenda

THE MOTION CARRIED UNANIMOUSLY.

III. APPROVAL OF PREVIOUS MINUTES:

MR. EICHORN MOVED, supported by Mr. Vaughn to approve the SEPTEMBER 5, 2023 minutes.

MR. MOULTON stated that now the minutes are approved a formal letter of variance approval will be sent to Owner.

IV. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS at 4:02 P.M.

No Public Comments.

CLOSED PUBLIC COMMENTS at 4:03 P.M.

V. UNFINISHED BUSINESS: None

VI. NEW BUSINESS

1. Public Hearing for the Variance Request for increase in floor space at Bear's Corner Party Store located at 5519 N. Elms Rd Flushing, Michigan 48433, Parcel Number: 08-24-200-011, pursuant to *Flushing Township Code of Ordinances, Chapter 36, Article 1, Sec. 36-310.*

PUBLIC HEARING OPENED at 4:04 P.M.

MR. COSTA (APPLICANT ARCHITECH)-There will be no roof line change and will look like a cooler with a flat roof. 144 square footage at rear of building walk in cooler inside store will create more floor space for products. Interior store renovation has started.

MR. SINGH (APPLICANT)-I have received no complaints from residents. Most comments from residents have been that they are happy to have more items to buy. Improving building cost \$40,000 plus. This money is also going toward siding.

MR. MOULTON (CHAIR)-Spoke about roof line for cooler, floor space, cost of renovations, asked about recent purchase of property/building and asked Mr. Czyzio if he has had any comments.

MR. DAVIS (PLANNING COMMISSION REPRESENTATIVE)-Reiterated that money is also going into siding.

MR. CZYZIO (ZONING ADMINISTRATOR)-No complaints or comments on addition and/or renovations. Everything being done will bring building more up to code.

MR. VAUGHN MOTIONED, supported by Mr. Eichorn to approve. to grant the request submitted to the township in the detailed architectural plans as presented for Variance Request to increase in floor space at Bear's Corner Party Store located at 5519 N. Elms Rd Flushing, Michigan 48433, Parcel Number: 08-24-200-011, pursuant to *Flushing Township Code of Ordinances, Chapter 36, Article 1, Sec. 36-310.*

ROLL CALL

AYES: VAUGHN, SARKA, MOULTON, EICHORN, DAVIS

NAYS: 0

MOTION APPROVED.

PUBLIC HEARING CLOSED at 4:17 P.M.

VII. NEXT REGULAR MEETING:

TUESDAY, DECEMBER 5, 2023 AT 7:00 P.M.

MOTION TO ADJOURN:

ROLL CALL VOTE:

AYES: Moulton, Eichorn, Davis, Vaughn, and Sarka

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

VIII. ADJOURNMENT 4:18 P.M.

STEVE MOULTON, Chairperson

JEANETTESIZEMORE, Recording Secretary

DATE SIGNED

DRAFT

VARIANCE REQUEST FORM

Variance Request To NOT Put AN ENCLOSED FENCE AROUND STORAGE UNIT
Variance Fee: 800.⁰⁰
Date Paid: 12-21-23
Date Notice was Published: _____
Date of Public Hearing: _____
Affidavit Attached: _____

RECEIVED

DEC 21 2023

CHARTER TOWNSHIP
OF FLUSHING

receipt #40591

FLUSHING TOWNSHIP ZONING BOARD OF APPEALS VARIANCE REQUEST

Required information from owner or person having interest in requesting Zoning Board of Appeals (ZBA) review and opinion.

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

A. Applicant

Name: RICK HANSEN
Address: 767 E MAIN ST STE 1171
FLUSHING MI 48433
Phone: _____

B. Owner of property if different than above

Name: _____
Address: _____
Phone: _____

2. Location of Property:

Street number and name: 8464 W. MT MORRIS RD FLUSHING MI
Property tax identification number: 08-02-300-022
Legal description of property involved: _____

List deed restrictions and easements: _____

Present zoning of property: COMMERCIAL

3. With all requests, a plot plan drawn to scale (1" = 20') showing lot, location of existing buildings, proposed buildings and additions to existing buildings, plus distance from property line, is required.


4. Answer the following questions of the affidavit:

- a. Will the strict enforcement of the provisions of the township zoning ordinance unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome? No
If yes, how? _____

- b. Is the need for a variance due to unique circumstances of the property? No
If yes, please describe. _____

- c. Did you create the problems you are trying to get around? No
- d. Will the requested variance confer special privileges that are denied other properties similarly situated and in the same zoning district? No
- e. Will the requested variance be contrary to the spirit and intent of this zoning district and public safety? No

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 applicant)

ZONING BOARD OF APPEALS:

The Zoning Board of Appeals (ZBA) having reviewed the submitted data do hereby:

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

If approved, are there conditions? _____

Date

Zoning Board of Appeals Chairperson

Revised: 03/27/2023

Master Copy: Server F/OFFICE FORMS/MASTERS/Variance Form ZBA

- permitted purpose or would render conformity unnecessarily burdensome
- ii. The need for the variance is due to unique circumstances of the property
 - iii. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provision alleged to adversely affect such property.
 - iv. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - v. Granting of the variance will insure that the spirit of the ordinance is observed, public safety secured and substantial justice done.
7. The board may impose conditions upon the granting of a variance, which when granted, shall meet all of the following conditions:
- (a) Be designed to protect the natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land, use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 - (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
8. The building inspector shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt attesting to the payment of all required fees, issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

Sec. 36-2209. Appeals Procedures.

- (A) Intent These appeals procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the township zoning ordinance, except the issuance of a variance which shall follow the procedures of Section 20-2208. In addition, these procedures are instituted to appeal Planning Commission decisions on Special Land Use permits and site plans
- (B) Procedures An appeal shall be filed by applying with the officer or body from whom the appeal is taken and with the board of zoning appeals within thirty (30) days of receipt of written confirmation of the decision specifying the grounds for the appeal.
1. The officer or body from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the appeal is taken.
 2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer or body from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him, that by reason of facts stated in the

Charter Township of Flushing

certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the board, or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken, and on due cause shown.

3. Such appeal may be taken by any person aggrieved or by any officer, department, board of bureau of the township, county or state.
4. The board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. In appeals dealing with specific parcels of land including Planning Commission decisions on Special Use Permits and Site Plans, the notice requirements of Sec. 20-1801 shall be used. Upon the hearing, any party may appear in person or by agent or by attorney. The board may reverse or affirm, wholly, or partly, or may modify the order requirement decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. (Amended by Adoption, December 14, 2006, Sec.2-2209, (b) (4))
5. At the meeting where such an appeal is considered, the board shall consider whether the decision of the administrative official or body was appropriate based on the provisions of this ordinance and the record provided to the board. The board may take additional testimony necessary to complete the record and make a proper determination.
6. In making a determination on an appeal, the board shall have all of the powers of the administrative official or body the appeal is taken from, including, if applicable, the authority to impose conditions on approval, with the same restrictions on that authority that is imposed on the administrative official or body.
7. The decision of the board shall be final, but any person having an interest affected by any such ordinance shall have the right to appeal to the circuit court.
8. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirements, decision, or determination of any such administrative official.
9. Any grounds for any determination by the board shall be stated in writing.