

**CHARTER TOWNSHIP OF FLUSHING**  
**6524 N. SEYMOUR ROAD**  
**FLUSHING, MICHIGAN 48433**  
**810-659-0800 FAX: 810-659-4212**  
**PLANNING COMMISSION**  
**DATE: JUNE 14, 2004 TIME: 7:00 P.M.**  
**WEB ADDRESS <http://www.gfn.org/flushing/index.html>**

**MEMBERS OF PLANNING COMMISSION**

Jerome Doyle, Chair	Aaron Bowron
Robert Gensheimer, Vice Chair	Richard Buell
Eric Swanson, Secretary	David Gibbs
Ronald Flowers, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector  
Julia A. Morford, Recording Secretary

**PRESENT:** Doyle, Gensheimer, Swanson, Bowron, Buell, Flowers, Gibbs, Fitch and Morford

**ABSENT:** None

**OTHERS PRESENT:** 40 local residents and officials

**I. MEETING CALLED TO ORDER** at 7:04 p.m. by Planning Commission Chair Jerry Doyle.

**DOYLE** would like permission to add to the Agenda listed under New Business, number 4, Lee St. John – Informational Meeting Regarding Private Drive (Coldwater Road Extension) Issues

**II. ADOPTION OF AGENDA: FLOWERS MOVED**, seconded by Swanson to adopt the Agenda with the addition listed under New Business, number 4, Lee St. John, An Informational Meeting Regarding Private Drive Issues. **MOTION CARRIED.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**A. Approval of the Minutes of April 27, 2004: FLOWERS MOVED**, seconded by Bowron to approve the Minutes of April 27, 2004 as amended with changes. **MOTION CARRIED.**

**B. Approval of the Minutes of May 10, 2004: SWANSON MOVED**, seconded by Flowers to approve the Minutes of May 10, 2004 with corrections. **MOTION CARRIED.**

#### **IV. UNFINISHED BUSINESS:**

##### **1. Hyde Park Update**

**DOYLE** stated there had been a request to review what has been placed in a Planned Unit Development (PUD)), with a Special Use. When the PUD had first been approved, there had been a Special Use Permit granted; the Special Use Permit had conditions whereby the subdivision was supposed to be developed according to those conditions and the Site Plan.

##### **Minutes of June 1, 2004 Planning Commission Meeting**

Discussion Concerning:

- the Special Use Permits
- building permits had been issued to have structures placed on the property – once the building permits had been issued, you would have to proceed with that particular part
- future building permits for the first stage of the property were delayed until the Planning Commission could research the issue and determine find out what was precisely given to the subdivision in the first place

##### **3-MEN RESEARCH COMMITTEE WAS COMPLETED**

- the minutes of the meeting told what was going to take place in the site plan approval but also in the Preliminary Site Plan Approval
- pictures of the plans had been given to the Planning Commission for the units that were going to be placed in the subdivision, which had been part of the whole acceptance of property for the Special Use Permit
- pictures of the buildings that were originally to be placed in the subdivision
- changes in buildings have not been requested
  - a. buildings originally approved would stay the same
  - b. modular homes have been placed on the property – not structure originally approved
  - c. character of the PUD not being followed

##### **PRIOR CHANGES TO THE PUD:**

1. there had been a request to have small duplexes constructed for seniors rather than a large single structure, which had been approved.
  - a. less number of people living in the same local
  - b. single family ownership rather than apartment type ownership
2. allowed designated section of the PUD, rather than two (2), three (3) and four (4) plexes, put in single family homes – with 34 conditions places on the Special Use Permit, which had been approved
3. March 23, 2004
  - a. requested to have duplexes as well as three (3) and four (4) plexes, which had originally been approved
  - b. adjusted the setbacks for distance between buildings from 30 feet to 20 feet

**DOYLE** felt that **HOWARD SCHEUNER (SCHEUNER)** should follow the same line as what had originally been granted, as far as building permits, or there should be some effort to request

a change. Without the request, things would not be accomplished as to what had originally been granted in the first place. **JAMES BARNWELL (BARNWELL)** of Desine Inc. stated that **SCHEUNER** had not disagreed with the logics which had been presented. The criteria had been to keep with what was originally intended; in 1999 there had been three (3) builders (Okemos Builders, Johnston, D & H Home Builders) in the existing portion of the subdivision – all had slight variations to the same architectural buildings. **BARNWELL** stated **SCHEUNER** had tried to model the architectural design as far as the roof pitches, brick, etc. **DOYLE** stated the Planning Commission felt the character of the structures were different from that of **BARNWELL/SCHEUNER**.

**DOYLE** felt **BARNWELL/SCHEUNER** should bring some type of adjustments or modifications in the subdivision before the Planning Commission; there have been two (2) changes already for the PUD. If more changes should be made, it would affect the character of the PUD. **BARNWELL** stated duplexes had been approved on the South section of the PUD, which would be part of the same project and PUD.

**PROPOSED FUTURE SOLUTION:**

**BARNWELL** stated the proposal would be a two (2) step process, if a different builder wanted to build in the development. **BARNWELL/SCHEUNER** would first review the material and make sure the material would be acceptable to the developer. The developer would then have the builder go before the Flushing Township Planning Commission and request the building be approved to insure the same character of the original approval. Once the approval has been given by the developer and the Flushing Township Planning Commission, the builder would then proceed.

**SWANSON** stated once the proposal had been assembled, he felt the Planning Commission should review the proposal as there would be additions the Planning Commission would want to add to the listing. **BARNWELL** stated if the recommendation would be acceptable, that would be the way that he and **SCHEUNER** would handle the issues in the future. **DOYLE** stated that if the same lines were continued as what had originally been acceptable or put together and approved, the Planning Commission would not have any problem; it would be a matter of following the same type of architecture because both the site plan and the plans, themselves of the buildings, was what had been approved. The Planning Commission does not want to change the concept of the character of the subdivision anymore.

**CONCERNS TO BE CONSIDERED:**

- square footage with or without second story
  - a. open loft
  - b. another bedroom
  - c. two bedrooms upstairs
- roof pitches on the building
  - a. front pitch 12/12 – steeper than rest of structure
  - b. character should be the same as the remaining first part of the subdivision
- garage size (2-car)
- color scheme

- a. presently trim different than the siding
- b. neutral colors so would blend with the rest of the structures

**RECOMMENDATION:**

**DOYLE** recommended **SCHEUNER** list all the items, previously mentioned in a request form and present the information to the Planning Commission. (Similar to the 34 conditions placed on the 64 single family homes in Phase II). **SCHEUNER** mentioned that a list of 15 items had been faxed to the Planning Commission; the additions to the listing would be the two (2) car garage and the square footage plus the loft. There would be a special meeting called to put all the details together and come to a conclusion.

**7:45 P.M. OPEN FOR PUBLIC COMMENTS:**

1. “wanted to know the number of building permits that had been issued.” – initial permit was for four (4) building permits.
2. **Janis Dye, 7222 W. Potter Road, Flushing** – “wanted to know about the modular foundations that have been installed in the area next to Potter Road; everyone is upset because it was not the bill of goods that was presented to the residents.” **DOYLE** stated the particular section was approved for 64 single family homes with conditions which were for the better due to stopping the density. **DOYLE** stressed the character of the subdivision was the primary concern of the Planning Commission.
3. “wanted to know the status of the ponds.” **DOYLE** stated the opportunity to discuss the ponds had been limited; **SCHEUNER** had previously indicated the ponds would be taken care of which would be the whole rationale for approving another set of conditions. The ponds had originally been approved by the Genesee County Drain Commission (Drain Commission); when a problem had occurred, the Drain Commission had not wanted to back the problem in question at the time. The only way to resolve the matter would be to put the issue in a condition which would be come part of the Special Use Permit and the Planning Commission could demand the issue be resolved. **DOYLE** stated the people that lived in the subdivision had an Association which was supposed to maintain the roads and the open space area so that it would eventually be the responsibility of the Association. Until there has been fifty (50%) percent units purchased, the developer would be the Association. After fifty-one (51%) percent, the Association would be handled by the people of the subdivision instead of the developer.

**DOYLE** stated there has to be aeration in the ponds to take care of the stagnant; the side grass, during the development, has to be maintained also.

4. “since the modulars are already on site but don’t meet specifications with the one-car garage, could something be done; would there be sidewalks.” **DOYLE** state Charter Township of Flushing **ATTORNEY STEVE MOULTON (MOULTON)** stated that nothing could be done for the modulars that have already been granted building permits. The future modulars building permits would be placed on hold. **BOWRON** stated that,

listed on the Proposed Architectural Conditions for Hyde Park Phase I, number 14 of the 15 conditions which **SCHEUNER** had previously presented (June 7, 2004) stated:

“Driveways and side walks through driveways shall be 6 inch concrete with wire woven mesh.”

**DOYLE** stated the Association would install the sidewalks; township would not put the sidewalks in because they (the township) would not have the capability to maintain the walks.

5. **Dave Johnson of Dave Johnson Builders, Inc.** – “One of the builders in the development; he has some questions:
  - a. **Setbacks** – the building which has been constructed in Phase I – **DOYLE** stated there were no phases only parts of a PUD. **JOHNSON’S** understanding was the duplexes were in the section that had been started first; after the change from tris and quads to duplexes, did setbacks affect the front lot? – **DOYLE**: front lot changes were never requested – the request was for the front yard setback to be 25 feet which would be the same as everything else (the minimum the Township would allow); **JOHNSON**: front yard setback would be 25 feet from the back of the curb.”
  - b. **Special Use Permit for Phase II** – 64 single family homes – has own conditions and has nothing to do with Phase I (Part I). The conditions would not be interchangeable with another section/part.
  - c. **Original Plan** – had ranch style home plans been approved; **JOHNSON** is building ranch style homes; fits very well characteristically with what was originally constructed; potential for ranches greater than for a story and a half or a two-story home; character would have to be present. **DOYLE** stated the character of the subdivision has been changing and that is the current problem; in order to handle the matter the Planning Commission had to go back to what had originally been approved. Before another building could be constructed, the building permit request would have to come before the Planning Commission. **DOYLE** stated there would be nothing wrong with having a few different elevations and plans but one could still keep a good subdivision. In some cases when subdivisions have not all been alike, it has been more valuable.
  - d. “does the developer owe the co-owner (units or property) any legal or moral courtesy when making decisions about what is constructed in the subdivision; suggest to the Architectural Control Committee that someone from the “future Association” become part of the Architectural Control Committee – Planning Committee could not become involved.”

**DOYLE** stated modularity were acceptable with the State and have the same building codes. The Township does not have a choice. **DOYLE** stated that in a PUD and Open Space Plan the Planning Commission could place conditions in a Special Use Permit which would be a different issue; Site Condominiums have their own provisions and the Special Use Permit requirements would not be present.

6. **Bob Asher, 7140 Kings Way, Flushing** – “more optimistic being at the meeting especially about the two (2) car garages, roof pitches, etc.; concerned about the number of permits for the modular units, the 20 foot distance between the homes, would the next units be constructed close to the curb, thus changing the look of the street; would the proposed duplexes constructed next to his home have one (1) or two (2) car garages.” **DOYLE** stated there had to be minimums of setbacks such as ten (10) feet on the side, twenty-five (25) feet in the front, and thirty-five (35) feet in the back property. The building permits that have been granted to Panther Construction could not be taken away; the future building permits are currently on hold. Charter Township of Flushing Building Inspector, **JERRY FITCH (FITCH)** stated Panther Construction (Sherman Hubbard) has requested four (4) building permits and two (2) buildings.
7. **Dave Johnson of Dave Johnson Builders, Inc.** – “on the sites which he has purchased he was given a building envelope which the envelope would determine the setbacks, when the change was made from tris and quads to duplexes would his envelope be changed – on the original plan the setback was determined by the envelope.” **DOYLE** stated that on the original plans some of the setbacks had been closer to the road and each building than others. The Planning Commission would review the issue.
8. “as new permits are issued, would the future single family home building permits be issued one at a time or in blocks?” **DOYLE** stated the permits would probably be issued in blocks.

**DOYLE** stated the aesthetic value is losing the character.

#### **8:45 P.M. CLOSED TO THE PUBLIC**

It was determined that **SCHEUNER** would bring before the Planning Commission, the proposed conditions; the Planning Commission would review; and would review what previously had been recommended to make sure everything had been covered. The matter would be reviewed at the June 29, 2004 Planning Commission Meeting.

**DOYLE** stated the three (3) men committee, to review the Hyde Park Subdivision, had been made up of **DOYLE, SWANSON, and BOWRON.**

**SWANSON** stated with a PUD, under the Special Use Permit, it would be one of the very few times a Planning Commission could negotiate with the Builders as to what would be included in the conditions.

**V. NEW BUSINESS:**

**1. John Swale, 6350 Sheridan Avenue (M-13), Flushing – Special Use Permit to Dig a Pond**

**JOHN SAWLE (SAWLE)** of 6350 Sheridan Avenue, Flushing was present to petition the Charter Township of Flushing for the purpose of obtaining a Special Use Permit to dig a pond at 6350 Sheridan Avenue, Flushing. The dirt from the pond would not be removed from the property.

**DOYLE** read *General Provisions and Conditions of Ponds (Article XVIII – Section 20-1804 (BB) Requirements for Permitted Special Uses)*, which stated:

**b. General Provisions and Conditions:**

1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official. A site plan has to be approved by the Planning Commission for conditions and site approval. A pond shall be a special use permitted on property zoned RSA.
2. A pond shall not be constructed on a lot or parcel of land that is less than 2 acres in size.
3. Water shall be maintained in all pond excavations, and built in a spring or natural water drainage area according to current County topography maps and drain districts, showing existing property grades and also future pond grades.
4. Ponds shall be engineered and designed according to all provisions and conditions of this Ordinance, including engineered drawings, drawn to scale by a qualified designer showing all site buildings, easements, size, setbacks, etc. Such plot plan shall be approved by the Building Inspector before a hearing shall be scheduled.
5. All soil and similar materials excavated during the construction of the pond shall remain on the property, unless an Earth Removal Permit has been obtained.
6. If a pond exceeds 4.9 acres it would be classified as a lake, and could be cause for other permit requirements.
7. The parcel should contain natural land forms which are so arranged that the change of elevation within the site includes slopes of ten; and water drainage (10) percent or less could provide water to fill pond.
8. The subject site and/or adjoining properties do not contain natural assets including trees, wood-lots, endangered species habitats, wetlands, 100 year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.

9. The outside edge of the pond is not within fifty (50) feet of an existing County Drain.
10. The proposed pond is not located within one hundred (100) feet of a public road right-of-way, private easement, or school site.
11. The proposed pond is not within fifty (50) feet of an existing wetland.

**d. Design Requirements**

Private ponds shall be permitted as an accessory use provided they meet the following requirements.

1. The setback distance for the pond shall be a minimum of seventy-five (75) feet from the waters edge at its highest point from any adjoining property line. There shall be a minimum of 25 feet between the edge of any berm or other placement of elevated soils removed from the excavated pond and any adjoining property line. The total height, as measured from original grade, of any berm or elevated soils and any fence or other materials built or placed upon the berm, except trees or other vegetation, shall not exceed a total of 6 feet. This provision shall not prohibit the placement of an otherwise appropriate fence across a part of such berm, which may cause the height of the fence to exceed 6 feet at the point of crossing the berm.
2. There shall be a distance of not less than fifty (50) feet between the outside edge of the point and any building.
3. There shall be a distance of not less than fifty (50) feet from the water's edge to any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ration of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet on shallow walk in side, and no more than six (6) feet horizontal to six (6) feet vertical at three sides of pond. Ponds must be a minimum of 15 feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
5. All areas disturbed during construction shall be seeded with bluegrass or other high quality grasses and maintained in good condition to prevent erosion.
6. The Township Planning Commission may, at its discretion, require the installation of a fence no less than four (4) foot in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
7. The Township Planning Commission may, at its discretion, require the installation of a berm to be appropriately designed for height and width, whose slope shall be no more than at a 30 degree angle to prevent erosion and to protect the health,

safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

**e. Limitations**

2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extension may be granted by the Planning Commission for a reasonable cause shown.
3. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

**f. Fees Required**

1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be \$50. The fee may be changed at a later date by resolution of the Township Board.
2. There shall be a minimum \$7,500 Performance Bond presented at the time permit is issued. Total amount of bond to be determined by the Planning Commission. The \$7,500 Earth Removal Performance Bond may be combined with the Performance Bond for a pond.
3. Bonding or insurance shall be in accordance with our Earth Removal Permit.

**DOYLE** reviewed the Pond Site Plan Review Checklist, Ordinance Requirements and Comments.

**SPECIFICATIONS:**

- Pond would cover one-fourth (1/4) acre of land
- Three (3) perk holes have been dug in the back of the house:  
First Hole: top soil from 12 inches to 24 inches/silky clay from 24 inches to 48 inches and beyond  
Second Hole: 0 to 11 inches is top soil/11 inches to 48 inches is sandy and clay  
Third Hole: 0 to 11 inches is top soil/11 inches to 48 inches is sand
- Septic field would be located in the front of the home
- Dave Rowe would be the Engineer
- Extent of use of pond: for fill dirt, wildlife and swimming
- Topography – flat land
- Grasses used for prevention of erosion and for general mowings would be per the plat plan and pond requirements
- There would be sand on the west side of the sloped area of the pond for a beach

**BUELL MOVED**, seconded by Flowers to grant a Special Use Permit to Mr. & Mrs. John Sawle to construct a pond at 6350 Sheridan Avenue, Flushing, per the Plot Plan and Article XVIII, Section 20-1804 (BB). MOTION CARRIED.

**2. Ronald Henige, 4282 Duffield Road, Flushing – Special Use Permit – Temporary Living While Building a New Home**

**RONALD HENIGE (HENIGE)** of 4282 Duffield Road, Flushing, was present to petition the Planning Commission for the purpose of obtaining a Special Land Use Permit for occupying a travel trailer while building a home at 4272 Duffield Road, Flushing, Parcel Number 08-29-100-006.

**SPECIFICATIONS:**

- the area, where the 5<sup>th</sup> Wheel Trailer would be located, could not be seen by anyone
- located East of the pond behind the tree, shown on the drawing
- septic field and well has been installed
- electricity has been installed
- the wooded parcel has been sold but no one would build for a couple of years – driveway on the South side
- barn has been sold with the back property
- existing home location is 4282 Duffield Road – new property location would be 4272 Duffield Road
- the proposed new home would be closed in by fall
- the 5<sup>th</sup> wheel trailer has been lived in during the winter
- 5<sup>th</sup> wheel trailer would be hooked up to septic field and the well
- the construction of the proposed home has not been started
- would be pulling out November 6<sup>th</sup> with the 5<sup>th</sup> wheel trailer for travel to the South
- requesting a one-year permit – June 14, 2004 to June 14, 2005
  - a. July and August 2004 would be the roughing in period of the proposed home
  - b. plumbing and installation done in September 2004
  - c. proceed with remaining unfinished items

**DOYLE read *Special Uses Permits Article XVIII, Section 20-1803***

**(B) Temporary Dwellings**

A mobile home or travel trailer may be permitted upon a lot for use as a temporary residence while construction is diligently pursued upon a permanent residence meeting all requirements of this chapter; provided, however,

1. all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the building inspector
2. all such construction shall have been completed within one (1) year from the issuance of the building permit

3. nothing in this section or this chapter shall permit the occupancy of a cellar without a complete residential structure thereon sufficient to permit the issuance of an occupancy permit

There were two (2) neighbors in attendance regarding the matter:

1. **Virgil Swearingen of California (has property on the South side of Henige's property)** – “wanted to know which parcel Henige would be building on; has no problems with the construction of the home.”

**BOWRON MOVED**, seconded by Buell to grant Mr. Henige's petition for a Special Land Use Permit for occupying a travel trailer while building a home at 4272 Duffield Road, in accordance with the provisions of Article XVIII, Section 20-1803 (B) for a period of one (1) year from June 14, 2004, according to the plot plan submitted with the application. **MOTION CARRIED.**

**3. David Dicosola, 10252 Stanley Road, Flushing – Special Use Permit for an Accessory Structure in the Front Yard**

**DAVID DICOSOLA (DICOSOLA)** of 10252 Stanley Road, Flushing, Michigan was present to petition the Planning Commission for the purpose of obtaining a Special Use Permit to place an accessory structure in the front yard at 10252 Stanley Road, Flushing, Michigan Parcel Number 08-09-400-031.

**SPECIFICATIONS:**

- the house sets 525 feet from **DICOSOLA'S** front property line
- 855 feet back from the road right-of-way behind everyone else
- property consists of 15 acres
- 120 feet from the nearest neighbor on the West side of the property
- 420 feet from the next closest neighbor which would be directly to the South
- 55 feet from the West boundary where flags have been staked for the barn
- construction of accessory structure in front yard
  1. 40' x 40' x 12' – pole barn package from Central Lumber
  2. barn to be located back of tree islands
  3. 4-12 roof pitch
  4. steel siding
  5. wood roof
  6. fiberglass asphalt shingles
  7. no windows in barn
  8. one service door
  9. 16' overhead garage door
  10. 12' slider door on the back of barn
  11. dirt floor
  12. to be used for storage of personal items
  13. no electricity at present but perhaps in the future
  14. possibility of a horse barn in the future – one stall only

**DOYLE** stated there were a limited number of animals that could be placed on the property. If animals would be housed in the proposed structure in the future, the building would have to be 75 feet from the property line.

**DOYLE** read *Special Use Permits Article XVIII, Section 20-1804 Requirements for Permitted Special Uses*

(A) Accessory Structures

Accessory Structures in front yards in RSA and RU-1 subject to the following conditions:

1. The lot the accessory structure shall be located on is at least 400 feet deep or adjacent to a river or lake.
2. The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.
3. The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping.

**Site Regulations Article IV, Section 20-419 Farm Animals and Horses**

On parcels less than twenty (20) acres in size in the RSA district, the breeding rearing or housing of farm animals including horses, shall meet the following requirements.

- a. The breeding, rearing and housing of the farm animals under this provision shall be for non-commercial purposes. Examples of commercial activities would be the raising of animals for resale, the raising of animals for butchering and sale of meat, skin, etc. Non-commercial uses would include the raising of the animals as pets, for recreational uses such as horseback riding, or the raising of the animals for butchering for meat for the resident.
- b. Animals shall be confined in a suitably fenced area or paddock. Any area or building in which animals are confined shall be at least 40' from a lot line and at least 75' from a residence on an adjacent lot.
- c. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- d. For private use by the owner or lessee of the land and swelling, the following number of animals are allowed at a rate of one (1) animal unit for the first two (2) acres of land and one (1) additional animal unit for every two (2) additional acres. One animal unit is equivalent to:
  - (1) One (1) horse or, donkey or mule, cow or similar animal
  - (2) Two (2) pigs, or similar animal
  - (3) Three (3) sheep, three (3) goats or similar animal
  - (4) Twenty (20) fowl or similar animal

**9:30 P.M. OPEN TO THE PUBLIC**

None

**9:31 P.M. CLOSED TO THE PUBLIC**

**GENSHEIMER** stated that he was concerned about going from personal storage to the potential boarding of animals; it would shed a difference on what would be approved. **DOYLE** stated he viewed the matter as to whether it conformed to the ordinance. All the neighbors need to know what the situation was before it actually happened; the area on the other side of the driveway would be fenced. **DICOSOLA** stated the wire fence would be a 4-wire fence.

A resident's home would be located behind **DICOSOLA'S**. **DOYLE** stated there would be no desire for the Planning Commission or any neighbor to have on the roadway when there is a house that would be 50 foot back from the road and the barn is placed in the front and it would be in the front yard of everyone's else's house.

**FLOWERS MOVED**, seconded by Swanson to allow the building accessory structure in the front yard at 10252 Stanley Road (pole barn) as per plot plan, specifications, and questions as noted. MOTION CARRIED.

**BOWRON** mentioned with the setbacks for a building that would house animals, there was the issue of more stringent setbacks for animals. **FLOWERS** mentioned that **DICOSOLA** should plan ahead with the idea of construction of the accessory structure.

**4. Lee St John – Informational Meeting concerning a Building Permit – Coldwater Road Extension**

**LEE ST JOHN (ST JOHN)** was in attendance to obtain information concerning building of a home on the Coldwater Road Extension. **ST JOHN** produced a Road Maintenance Agreement between himself and the individuals on Coldwater Road Extension. The individuals that have bought property and have their Road Maintenance Agreement had also received ingress/egress permission years ago, from the original owners, for the private drive out to McKinley Road. **ST JOHN** would like to take one (1) acre plus a lot off the corner and construct a home for his son.

**HISTORY OF COLDWATER ROAD EXTENSION:**

**ST JOHN** stated that Bernie Horning (Horning) had kept thirty-three (33) feet of roadway, which would be the current Coldwater Road Extension. Horning had sold lots off the road and kept the ownership of the property. There was thirty-three (33) feet of actual roadway given to the residents long before the ordinance was in affect. **DOYLE** stated people have constructed homes on the North property (North side of the Coldwater Road Extension); no access has been available to the homes. There could be ownership off Andy Lawrence's (Lawrence) property but Lawrence never wanted to get involved with the road maintenance. Lawrence did not realize the homes were constructed so close to the road. **ST JOHN** stated that in 1976 the County had planned to extend Coldwater Road Extension across the Flint River to Seymour Road and make

it a County road. Andy Lawrence stopped the whole process with his “no” decision to give up the easement.

**DOYLE** stated **ST JOHN** had ownership of thirty-three (33) feet of property out to McKinley Road. The residents that have been given deeds along the South side of the private drive have been given a recorded deed showing they have an easement on the property out to McKinley Road. **DOYLE** wanted to know what the individual deeds stated. A 1990 letter from Attorney Ed Henneke to **ST JOHN** specified and showed that everyone was given ingress/egress out to McKinley Road.

**SPECIFICATIONS OF COLDWATER ROAD EXTENSION:**

- Special Assessment with the township – renewed every five (5) years
- Ability to have a two-way road for ingress/egress – emergency issues
- Ditch to take care of the water
- Sewer along one edge
- Catch area located on the North side of the road also
- Gas lines are located on the North side of the road
- Power lines are located on the South side of the road
- Water lines are located on the North side of the road – water lines extend across the Flint River – on the road easement North of the road
- Thirty-three (33) feet of actual road – on **ST JOHN’S** side (South)
- Road Maintenance Agreements have been presented to only the residents that have asked for them and has been handed down from one family to the other
  1. Maintenance Agreement should be part of the original documents when the home has been sold.
  2. When Horning sold the property in 1930, it was sold by handshake and a certain amount of money whenever you could pay - system has worked through the years

**DOYLE** stated there were two (2) different matters involved:

1. There currently is a district that allows Genesee County Road Commission (Road Commission) to maintain the road; the property owners are then assessed by the Township,
2. The Road Commission then bills the Township for the maintenance.
  - a. Chloride twice a year
  - b. Residents do not want the Road Commission to grade the road – graders to down too deep and takes away the gravel

**DESCRIPTION OF EXACTLY WHAT ST JOHN WOULD LIKE TO ACCOMPLISH:**

- Off McKinley Road – 900’ to a certain point and then extends into Government Lot 2 – drive to Purkey’s house – take 160’ x 200’ something – take a lot to that area
- **ST JOHNS** live on the Flint River – all one parcel
- currently 13 homes on the extension
- Question to the Planning Commission: St John would like to take one lot and add to current Maintenance Agreement; could this be done?

**GIBBS** wanted to know exactly where the problem laid. **DOYLE** stated the problem would be to put the issue together so that it would conform with the ordinance so if someone wanted to construct another house in the future, they would not want to go through the same discussion; solve the problem now.

**CONCERNS:**

- Width of the road
- Should the road be paved due to having 13 residents

**GENSHEIMER** wanted to know if a road could come from the South – Vista Del Arro; or a road from the North coming from The Bluffs.

**FLOWERS** felt there should be more discussion and reviews due to some of the Planning Commission members not being aware of the circumstances of the Coldwater Road Extension. **DOYLE** stated the Planning Commission would have to work with the Private Road Ordinance to try to work the matter out so the ordinance would not be defined to a degree so that something could work, the Planning Commission would have to allow something that would be a little different from what the ordinance had been and then would have to live by the Ordinance. Coldwater Road Extension residents have the right to view the issue as to what was in place originally, etc in order to decide if it would be a legitimate thing to do with the particular private drive as well as all the remaining private drives in the township.

**GENSHEIMER** wanted to know the potential to use Lawrence's property and the balance of **ST JOHN'S** property for new development on the road. **ST JOHN** inquired as to what he could develop on thirteen (13) acres; he already has fifteen houses. The Lawrence property consists of between 40 to 50 acres. There could be the possibility of someone purchasing the Lawrence property and putting in a subdivision. Some ideas mentioned to solve the problem would be to buy one-half (½) interest in the road; put a road North to The Bluffs Subdivision, etc.

**GENSHEIMER** and **FLOWERS** recommended have Flushing Township **ATTORNEY STEVE MOULTON** review the issue and give his opinion as to what could be resolved. **ST JOHN** would be informed as whether to attend the next Planning Commission Work Session to be held on June 29, 2004.

**IV. MEETING SCHEDULE:**

**PROBABLE WORK SESSION – TUESDAY, JUNE 29, 2004 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, JULY 12, 2004 – 7:00 P.M.**

**PROBABLE WORK SESSION – TUESDAY, JULY 27, 2004 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, AUGUST 9, 2004 – 7:00 P.M.**

**V. ADJOURNMENT:** There being no further business matters on the Agenda, **DOYLE** adjourned the meeting at 10:45 p.m.

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JEROME DOYLE, Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval

Planningminutes 06/14/04