

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION MEETING MINUTES

DATE: DECEMBER 13, 2010

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

John Cuddeback

Jerome Doyle, Vice Chair

Ronald Flowers

Richard Buell, Secretary

Robert Gensheimer

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

I. MEETING CALLED TO ORDER at 7:15 p.m. by Planning Commission Chair **MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

PRESENT: Mark J. Newman, Jerome Doyle, Richard Buell, John Cuddeback, Ronald Flowers, Robert Gensheimer and Mark Purkey

ABSENT: None

OTHERS PRESENT: None

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Purkey to approve the Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES: DOYLE MOVED, seconded by Purkey to approve the Minutes of November 8, 2010 as amended. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. Continued Review of Accessory Structures in Front Yard

CHAIR NEWMAN and Flushing Township Attorney Steve Moulton (**ATTORNEY MOULTON**) have reviewed the proposed ordinance, prepared by **ATTORNEY MOULTON**, dealing with amendments to the accessory structures ordinance. The amendments will be made as to what the Planning Commission has discussed incorporating prior comments along with comments on the proposed ordinance to make sure that all comments are considered. Some of the comments/questions for consideration dealing with the Proposed Ordinance (**AN ORDINANCE TO AMEND**

SECTIONS 20-200, 20-400, AND 20-1804 OF THE CHARTER TOWNSHIP OF FLUSHING ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY BUILDING AND TO PROVIDE RULES FOR THE CONSTRUCTION, PLACEMENT, AND USE OF ACCESSORY STRUCTURES IN THE TOWNSHIP):

SECTION 20-400 – ACCESSORY STRUCTURES:

- a. Page 2, (b), *Detached Accessory Structures* – 1) “are not all accessory structures detached and 2) “isn’t there supposed to be ten (10) feet to the interior side or rear lot line” instead of five (5) feet.
- b. Attached means you cannot live in a structure, but it is an attached accessory structure because it is not living space but has to follow the code rules for the principal residence.
- c. It was felt it was five (5) feet from the rear property line and ten (10) feet from the side property lines. **DOYLE** stated that at one time an individual could put a garage on the property line if there was a block fire wall. The set back idea was put in place in order for a fire truck (emergency vehicle) to go between the property line and the structure.
- d. Reference was made to *Site Regulations Article IV, 20-400, Accessory Buildings*, (b) which states:
“Detached accessory buildings. A detached accessory building shall not be nearer than ten (10) feet to the principal building, cover more than thirty (30) percent of the rear yard or be closer than five (5) feet to the interior side of rear line, except as otherwise provided in the chapter.”

RECOMMENDED Amendment to Proposed Accessory AMENDMENT TO PROPOSED ACCESSORY STRUCTURES (PAGE 2, (B) DETACHED ACCESSORY STRUCTURES:

“Detached Accessory Buildings shall not be closer than five (5) feet to the interior side or rear lot line.”

DISCUSSION:

- a. **Section 20-400 says “five (5) feet to the interior side of rear lot line.**
- b. **PROPOSED ORDINANCE “FIVE (5) FEET TO THE INTERIOR SIDE OR REAR LOT LINE.”**
- c. **The word “OR” should actually be “OF” the rear lot line.**

CONCLUSION: the recommendation for the language for 20-400, (b) Detached Accessory Structures “FIVE (5) FEET FROM THE REAR LOT LINE, TEN (10) FEET FROM THE SIDE LOT LINES.”

- (b) Detached Accessory Structures. A detached accessory structure shall not be closer than **five (5) feet from the rear lot line, ten (10) feet from the side lot lines**, except as otherwise provided in this Ordinance. An accessory structure may be located in the side or rear yards only, unless permitted in the front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this Ordinance.

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SECTION 20-400 TEMPORARY ACCESSORY STRUCTURES:

Page 2, (d) 2, Temporary Structures:

Number 2:

“No more than one temporary accessory structure not exceeding 64 square feet in area and 8 feet in height, may be placed in the rear or side yard of a residential lot, on which is located a principal dwelling, without permit.”

DISCUSSION:

1. People place temporary accessories on their property to place their garden or planting/potting supplies in because due to the economy they can't afford to build a home.
2. A 16' x 16' accessory structure is a huge pole barn and would require a building permit.
3. D-2 would be consistent with D-1; D-2 would be considered the 8' x 8' accessory structure.
4. Since small housing is in order, a small accessory structure might be considered a small house.
5. It was recommended to delete, in Section 20-400, *Temporary Accessory Structures*, Number 3, letter d, number 1, but to **increase** the square footage to one hundred forty-four (144) feet in number 2 in order to acknowledge there are 12' x 12' accessory structures; most structures are closer to 9/10 feet in height.
6. The rational would be to look at what could be moved onto a lot; if a building could be placed on a trailer and moved to a location, how narrow would the trailer have to be to be moved on the road?
7. Most roads are 10 feet wide; Seymour Road is 12.5 feet wide. ;
8. A permit for the sixty-four (64) square foot building would be required.
9. What would the roof pitch be if a roof was raised four (4) feet? 8/12 pitch; there were other recommendations also.
10. Something else should be done other than square footage.

11. Clarification of language was discussed on the Proposed Ordinance of *Section 20-400, Accessory Structures*, page 2, letter c, *Accessory Structure Without Principal Building* and Section 20-1804(A), page 3, number 2, *Accessory Structure on a Lot Without a Principal Structure*.
12. What would happen if someone built an accessory structure and then later decided to build a house within a barn? The individual would have to come in compliance with all the laws to build the house.

RECOMMENDED CHANGE: *Temporary Accessory Structures*

“Temporary accessory structure is defined as a building or other structure which is not connected to water, septic, sewer, natural gas, propane, or any utility except electricity used only to light the temporary accessory structure; and which is used solely for purposes of storage. No more than one temporary accessory structure, not exceeding 144 square feet in area and 10 feet in height, may be placed in the rear or side yard of a residential lot, on which is located a principal dwelling, without permit. Placement of the temporary accessory structure shall be in accordance with the set back requirements of this Ordinance. Such temporary accessory structure may be moved on the lot, so long as the required set backs re maintained and may be removed from the lot and brought back without further permit. Placement of a temporary accessory structure which exceeds 144 square feet in area or 10 feet in height, or placement of more than one temporary structure on the same lot, shall require a permit to be issued by the local building official.

NEWMAN will contact **ATTORNEY MOULTON** and review the changes of the Proposed Accessory Structures Ordinance.

1. Continued Discussion Regarding Medical Marijuana Act

- The Planning Commission discussed the Medical Marijuana situation that had taken place in Dryden Township (Lapeer County). An Ordinance had been received from Dryden Township which a copy was given to the Planning Commission Members.
- There are so many unanswered questions concerning the Act for which legislators, municipalities, and others are not sure which direction to turn. **NEWMAN** stated the Planning Commission had to be fair to everyone that come through the doors of the Township; the township has to be in compliance with the law.
- It was decided to pause and wait for the opinion from **ATTORNEY MOULTON** regarding the Medical Marijuana Act. **ATTORNEY MOULTON** has been reviewing the “64 White Pages” which was received from a Professor at Cooley Law School. In the meantime, nothing can be done until an opinion can be done. It was asked why

Michigan Townships Association (MTA) couldn't have gotten one opinion which could have been passed down to each township and would have saved money for each of the municipalities.

- All the municipalities are starting from nothing so why should it take so long in getting an interpretation of the law. All municipalities are set up different so each has to deal with the: 1) interpretation of the law and 2) helping municipalities come in compliance of the law.
- It was felt the act was put out as a law before the law was actually understood. The majority of the voters have no clue of the Act.
- It will be interesting to see what happens in 2012, when the Federal Government steps in and states the States are in violation of the facilitation and distribution of marijuana because the municipalities passed an ordinance.
- The preamble of the Dryden Township Ordinance concerned "intent" and would be where the challenge would be.

V. NEW BUSINESS:

1. 2011 Meeting Dates

MOTION and seconded to approve the 2011 Meeting Dates to be held on the second Monday of each month except for October which would be October 3, 2011. **MOTION CARRIED.**

VI. PUBLIC COMMENTS:

8:30 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

8:31 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **BUELL** wished everyone Seasons Greetings and he will see everyone in January.
2. **PURKEY** wished everyone a Merry Christmas.
3. **DOYLE** wished everyone a Merry Christmas.
4. **FLOWERS** would like to have a copy of the Census Report when the Clerk receives the results because work has to begin on the Master Plan; Merry Christmas and Happy New Year to everyone.
5. **CUDDEBACK** loved hearing the comments from the meeting tonight; he appreciated the Commission having the ability to discuss the issues and still leave as friends.
6. **GENSHEIMER** wished everyone Happy Holidays.
7. **NEWMAN** wished everyone a Happy Holiday Season.

8. **MORFORD** stated that **DOYLE** and **FLOWERS** had to be sworn in for the beginning of their re-appointment to the Planning Commission for a three (3) year term which would expire January 1, 2014.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, JANUARY 10, 2011 AT 7:00 P.M.

REGULAR SCHEDULED MEETING DATES:

MONDAY, JANUARY 10, 2011 AT 7:00 P.M.
MONDAY, FEBRUARY 14, 2011 AT 7:00 P.M.
MONDAY, MARCH 14, 2011 AT 7:00 P.M.
MONDAY, APRIL 11, 2011 AT 7:00 P.M.
MONDAY, MAY 9, 2011 AT 7:00 P.M.

- IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:35 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

RICHARD BUELL, Secretary
Planning minutes 12/13/2010

Date of Approval