

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800 FAX: 810-659-4212

MINUTES OF THE PLANNING COMMISSION MEETING

DATE: OCTOBER 3, 2016

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, Mark Newman, Ronald Flowers, Shirley Gage, Robert Gensheimer, Donn Hinds, and William Mills

ABSENT: None

OTHERS PRESENT: Four (4) other individuals

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair **JEROME DOYLE** with Roll Call and Pledge to the American Flag.

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

III. APPROVAL OF PREVIOUS MINUTES:

A. Minutes of June 13, 2016 – NEWMAN MOVED, seconded by Gensheimer, to approve the Minutes from the June 13, 2016 Planning Commission Meeting as submitted. **MOTION CARRIED.**

B. Minutes of July 11, 2016 - the July 11, 2016 Planning Commission Meeting was cancelled.

C. Minutes of August 8, 2016 – FLOWERS MOVED, seconded by Hinds, to approve the Planning Commission Minutes of August 8, 2016 as amended with the deletion of the letter “i” on page 1, Section V, New Business, Number 1, bullet three. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. Stephen Herr, 8380 Nichols Road, Flushing MI 48433

Formal Hearing for the purpose of obtaining a Special Use Permit to place an accessory structure in the front yard at 8380 Nichols Road, Flushing MI 48433, Parcel Number 08-04-100-018, pursuant to *Section 20-1804(A)(1) Accessory Structures.*

A letter was received from Mr. Stephen Herr which stated:

“My wife and I have decided to build a pole barn in the back of the property, behind the house, with no further need to discuss with the board or our neighbors a need for a variance for this project. Please remove our names and project from any future meetings and agendas.”

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NEWMAN MOVED, seconded by Hinds, that in consistent with the applicant’s request, to remove the request of Stephen Herr, 8380 Nichols Road, Flushing MI 48433 from further consideration. **MOTION CARRIED.**

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2. Teresa L. Cheely, 3235 Dillon Road, Flushing MI 48433

Formal Hearing for the purpose of obtaining a Special Use Permit to Operate a Group Child Care Home at 3235 Dillon Road, Flushing MI, Parcel Number 08-32-400-026, pursuant to *Article II, Definitions, Group Day Care Home.*

Ms. Teresa Cheely (Ms. Cheely) was present to request a Special Use Permit to operate a *Group Child Care Home* at 3235 Dillon Road, Flushing MI 48433, for up to twelve (12) children. For twenty-eight (28) years Ms. Cheely had operated a licensed child care facility, but the facility was closed ten (10) years ago. The zoning requirements have changed during the ten (10) year time frame.

SPECIFICATIONS:

- The hours of operation will be from early mornings to no later than 6:00 p.m. at night, depending upon the parents’ needs.
- Ms. Cheely has applied for a State License which is pending upon the results of the Flushing Township Planning Commission.
- Property Description:
 - a. The operation of the child care will be a whole-house operation.
 - b. The home is a quad-level (four levels) but the basement will not be used for the day care.
 - c. The Michigan Law reads that children can only occupy two (2) levels of the facility at any time during the day, which is a fire safety issue.
 - d. The upper level is where the toddlers will be taking their naps.
 - e. The other children will be having crafts and lessons on the next level down.
 - f. When no one is using the upper level for a nap, the children may go to the next level down, which is the living room area and where the television is located, to watch a video.
 - g. The children will not be using the “sub-level”, which is a traditional house’s basement and where the furnace, washer, and dryer are located.
 - h. The next level up, which is the living room, there are exits and egress/ingress windows.
 - i. Each of the three (3) levels, that the children will possibly be on anytime of the day, have egress/ingress windows per the fire safety code for exits and entries.

- j. Six steps up from the “sub-level” and located below the bedrooms and bath is the third level, which is the living room, dining room, and kitchen. The children can also go down to the third level (below bedrooms/baths), where exits are to go outside the house. On level three, the windows are at ground level. The children will have to step on a table or something to that affect to get out the window.

COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:

INGRESS/EGRESS WINDOWS...

1. **DOYLE:** there has to be a situation where the children can walk up steps and get out the window very easily and quickly. The layout of the current situation is a fire hazard. If the children can walk straight out of the house through the window, it will be an acceptable issue. ANSWER: Ms. Cheely stated the State of Michigan had already approved the window situation. **DOYLE:** when the Planning Commission is talking about their responsibility as to what they are concerned about, the fire hazard does make a difference.
2. **NEWMAN:** it has always been his understanding there has to be a passive ingress/egress window so that the children can step out of the window. If not, something similar to what his (Newman) childrens’ day care facility had, was permanent installed steps so the children could step up and out the window. ANSWER: Ms. Cheely stated there were two (2) large windows in the back of the lower level and one (1) window can be designated as to where the children will exit the house.
3. **DOYLE:** there has to be a landing at one of the windows so the children can step up on the landing and quickly get out of the window.
4. **NEWMAN:** is the window a door, casement crank, a lift? ANSWER: Ms Cheely stated it was a sliding glass window.
5. **HINDS:** will you be agreeable to building steps and a small landing? ANSWER: Ms. Cheely stated she definitely can build permanent steps.
6. **DOYLE:** the steps would be one of the conditions for the approval of the Special Use Permit.
7. **NEWMAN:** sometimes the State requires reflective paint or tape around the window in case there should be a power outage and the children could still find the exit window to get out of the house.

FENCES...

8. **DOYLE:** another condition would be the setbacks, fence, etc. There is a chain link fence that goes from the back of the house across to the property lines on both sides, and back down the property to the back and then across the back. ANSWER: Ms. Cheely stated she thought it was a standard five (5) feet high chain link fence. We don’t want to loose a child.
9. **DOYLE:** are there any gates in the fence? ANSWER: Yes, there are gates and they are locked. There are two (2) gates on the East side of the house, one (1) on the North and one (1) on the South end of the East side on both sides of the house.
10. **FLOWERS:** a turnaround is located on the North side of the driveway, a fence is on the backside of the turnaround which needs repair. The fence is closer to four and one-half

foot rather than five (5) foot high. ANSWER: Ms. Cheely temporarily borrowed the gate and replaced it with regular fencing; she will put the gate back in the fence. The area specified by Mr. Flowers is not included in the chain link fence area where the children play; but goes back to the barn.

11. **FLOWERS:** is there another fence behind the house? ANSWER: Yes, there is a barn and then behind the barn is a garden.
12. **DOYLE:** There is a fence that borders your North property line on the North side. Does that fence come from the back of the garage, goes to the shed, and then to the back property line? ANSWER: the fence does not go to the property line but is just a section. The property goes further back.

SETBACKS...

13. **DOYLE:** how wide is the property? ANSWER: it is 110' wide x 250' deep. The property is rectangle shaped. **DOYLE:** what is the setback from the road property line (right of way) to the front of the house?
 - a. the property is 4.26 feet deep on the North and South.
 - b. 109' at the front of the property and 110' at the back of the property
 - c. 100' back and 28' for the house.
 - d. from the backside of the garage, the site plan drawing shows a fence that goes from the Northwest side of the garage, to the North to the property line, and then runs back, 450' deep. ANSWER: there isn't a fence by the garage.
 - e. the drawing shows that the fence goes from the backside of the garage.
14. **DOYLE:** wanted to know how much distance from the back of the house, not the family room, but the back of the house to the back where the fence is located. ANSWER: the house is situated in the middle, the distance from the road to the back of the original property. Ms. Cheely bought another section of land after the original purchase of the home. Before the additional purchase, the house was in the middle of the property, which was 110' x 250'. Currently, with the additional purchase of land, the property measurement is 110' x 450'. There is 100' from the back of the house to the back fence.
15. **DOYLE:** from Ms. Cheely's side of the ditch to the back of the fence is 228'. There will be a fenced in area 100' x 110' for children to play. ANSWER: that sounds correct.
16. **DOYLE:** there are a couple of gates that will be closed at all times when the children are in Ms. Cheely's employ. ANSWER: the gate in question is not within the particular section and not in the back yard. (The fence mentioned that needed repair).

OUT BUILDINGS...

17. **GENSHEIMER:** will the children have access to the out buildings? ANSWER: No. There is a walk through door within the fenced area and it can be locked. There is an empty pole barn where the children can ride their bikes in inclement weather.
19. **DOYLE:** in order for the children to be in another location (building), it has to be as safe as the house and has to be approved by the Planning Commission. How do you watch the children? ANSWER: the children will not be in the pole barn and the door will be locked. (This is the second condition for approval of the Special Use Permit).
20. **GAGE:** (to Ms. Cheely) would you be in the pole barn with the children? ANSWER: the only children that would be allowed in the pole barn would be Latchkey children that

didn't need direct supervision such as nine (9) and ten (10) year old youth. When she had a Day Care Facility years ago, the pole barn didn't exist so there wasn't an issue at that time.

21. **GAGE:** agrees with Mr. Doyle, that the safety of the children whether ten (10) years of age or the two (2) year olds, is the main factor.
22. **DOYLE:** the conditions have to be set up for the children, regardless of the age, so if Ms. Cheely is acceptable to just locking the building, the Planning Commission will use that issue as a condition.
23. **DOYLE:** the approximate square footage for the children to play will be 100' x 110' inside the fence. There will be twenty (20') feet on each side of the garage to the North proper line; on the South side of the building, where the bedrooms are located, to the property line, there is another twenty (20') feet. ANSWER: everything looks correct.
24. **HINDS:** have there been any neighbor objections? ANSWER: there is only one (1) direct neighbor on the South side, which Ms. Cheely has taken care of the neighbor's children since birth. Ms. Cheely has mentioned the Day Care Facility to the neighbor

MISCELLANEOUS. . .

1. There will be one (1) employee.
2. The children will be picked up similar to the procedure of school buses at a regular school.
3. The hours of operation will be from 6:00 a.m. to 6:00 p.m. – Monday through Friday.
4. The State License Request is for up to twelve (12) children.
5. There will not be any signs on the property advertising the Group Day Care Facility.

DOYLE REVIEWED DEFINITIONS, ARTICLE II, GROUP DAY CARE HOME (II)(C):

1. *The applicant is the owner or lawful occupant of the property proposed for use as a group day care home.*
2. *The property is located in an area zoned RSA.*
3. *The applicant is licensed by the State of Michigan to operate a group day care home.*
4. *The property is located no closer than 1,500 feet to any of the following:*
 - a. *Another licensed group day care home.*
 - b. *Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.*
 - c. *A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code.*
 - d. *A community correction center, resident home, half way house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.*
5. *Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.*
6. *Maintains the property consistent with the visible characteristics of the neighborhood.*

- 7. *Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.*
- 8. *Meets regulations, if any, governing signs used by a group day care home to identify itself.*
- 9. *Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.*

CORRESPONDENCE:

1. Mr. Joseph Medici, AAE, Deputy Airport Director, Bishop International Airport Authority, 3425 W. Bristol Road, Flint MI 48507-3183

“The parcel referenced above falls within the jurisdictional boundaries of the Bishop International Airport’s Joint Airport Zoning Board as prescribed in Ordinance 98-1. This Ordinance limits the heights of structures and objects, as well as certain uses that may negatively impact airport operations. Based on the property’s location, any structure constructed greater than 100 feet above ground level (AGL) will require the application for a permit from the Airport. If the proposed height of structure to less than 100 feet AGL, and no other adverse land uses are being considered, then no additional notification is required.”

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NEWMAN MOVED, seconded by Gensheimer, to approve the request with two (2) additional conditions: 1) that the applicant finish and receive final approval from the State of Michigan and 2) the previously discussed steps with the landing on the third level be installed to at least one of the two (2) windows as discussed.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Doyle, Gensheimer, Mills, Gage, Flowers, Hinds, and Newman

NAYS: None

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VI. NEW BUSINESS:

1. Mark Sabourin, 5005 N. McKinley Road, Flushing MI 48433

Formal Hearing for the purpose of obtaining a Special Use Permit to place an accessory structure in the front yard of his corner lot (Carpenter Road and McKinley Road) located at 5005 N. McKinley Road, Flushing MI 48433, Parcel Number 08-22-400-008, pursuant to *Article XVIII, Section 20-1804(A), Requirements for Permitted Special Uses.*

Mr. Mark Sabourin (Mr. Sabourin), 5005 N. McKinley Road, Flushing MI 48433 was present to request a Special Use Permit to place an accessory structure in his front yard which is the corner lot of Carpenter Road and McKinley Road. The pole barn/garage would be used for storage of his boat and camper. The side yard would be on the North side of the house. The septic system

is located in the back yard of the home, which would be to the West. There isn't any room in the back yard to construct an accessory structure. The house was built in 1949.

SPECIFICATIONS REGARDING THE ACCESSORY STRUCTURE:

1. The structure will be a 24' x 32' garage style pole barn.
2. The color of the pole barn will match the house and there will be a shingled roof, which will be the same as the house.
3. The structure will be constructed on the North side of the house - 210' from McKinley Road and 20' from the North boundary of the property.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

1. **DOYLE:** if Mr. Sabourin had a Carpenter Road address, he wouldn't need to be in attendance at the Planning Commission. The property was divided up the particular way before the road, etc. was put in.
2. **NEWMAN:** at one time, wasn't there a driveway that went to McKinley Road?
ANSWER: Yes, there was a two-track drive. The mail box is across McKinley Road, North up by the Churches.
3. **NEWMAN:** how close will the Southern corner of the new structure be to the house? Will it block part of the front of the house or come over by the driveway?
ANSWER: if one was standing in the driveway looking to the North, you would be looking at the front of the pole barn but slightly over to the right, but it would be 35' from the Northeast corner of the house to the barn.
4. **GENSHEIMER:** is there anyway that you could have added on to the South side of the current garage or is the water line too close? **ANSWER:** No, the property has a tree and drops off toward the road; that is the area where the gas and water lines are located. Nothing large could be placed in the area because it is 35' from Carpenter Road to the edge of the garage.
5. **DOYLE:** do you have well or city water and where does it come on the property? **ANSWER:** there is city water; it is located on the West side of the driveway coming from Carpenter Road and goes into the corner of the house. The gas line runs the same direction.
6. **DOYLE:** what about the power line? **ANSWER:** the power line runs overhead to the house. The pole is to the North of the shed on McKinley Road.
7. **DOYLE:** the house to the North of the proposed pole barn is actually further back from McKinley Road than the new pole barn? **ANSWER:** Yes. **DOYLE:** the pole barn would actually be built in the neighbor's front yard as well as Mr. Sabourin's front yard. **ANSWER:** there are a lot of trees between the two (2) properties. A condition could be placed on the request to place trees or foliage in the front yard in order to not create a problem in the front yard.
8. **NEWMAN:** how large is the shed that is currently in the back yard? **ANSWER:** the shed is an "L" shape – one section is 14' x 10' and the other section is 10' x 14'. The shed was built at two (2) different times.
9. **DOYLE:** is the area considered a subdivision; if so are there any restrictions that go along with subdivision requirements? **ANSWER:** Not that Mr. Sabourin is aware of. The house was built in 1949. There are only Township restrictions.

10. **NEWMAN:** thought the subdivision was constructed in the late 1960's and early 1970's.

SPECIFICATIONS OF THE ACCESSORY STRUCTURE:

1. The accessory structure is pole barn construction with posts in the ground.
2. There will be a concrete floor.
3. There will be outside vertical steel siding - the color will match the house.
4. There will be a 4/12 pitch shingled roof.
5. 9' x 12' standard overhead doors.
6. One (1) entry door.
7. There will be no windows in the structure.
8. There will be electricity in the new structure.
9. Water will not be hooked up to the new structure.
10. The overhangs of the new structure are 12".
11. The structure will be used for storage of the camper and other toys so nothing will have to be parked in the yard.
12. The setbacks consist of:
 - a. 35' from the garage to the road.
 - b. Septic on the South side of the garage to North side of the house
 - c. 22' from property line to the house, plus the deck, garage goes back a little further.
 - d. The shed is 12' from the property line – 20' from the property line on the North side.
 - e. 20' from the new building.
 - f. Garage is 24' from the South to the North with 5' of breezeway and house.
 - g. 65' from the North side of the house to the North property line.
 - h. Pole Barn will be constructed 52' from the North property line.

CORRESPONDENCE:

1. **John and Kaye Kreutzfeldt, 9060 W. Carpenter Road, Flushing MI 48433**
" We are neighbors of Mark Sabourin, and we have lived next to him long enough to know that he and his wife maintain their property well. Whatever plans that they have for an accessory structure in the front yard of their lot we're sure will be classy and well-maintained. Please know that we welcome this improvement to their property which will be a fine example to the many people who pass their home every day. We heartily recommend that you approve Mark's petition to the Township."

AUDIENCE PARTICIPATION:

1. **Mr. Scott Tucker, Chair of the Property Committee, Flushing Presbyterian Church, 5010 N. McKinley Road, Flushing MI 48433**
"The Church has no problem with the pole barn."

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NEWMAN MOVED, seconded by Hinds, to approve the Special Use Permit application for Mark Sabourin, 5005 N. McKinley Road, Flushing MI for the placement of the accessory structure as submitted.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gensheimer, Mills, Gage, Flowers, Hinds, Newman, and Doyle

NAYS: None

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VII. PUBLIC COMMENTS

8:03 P.M. – OPEN FOR PUBLIC COMMENTS

None

8:04 P.M. – CLOSED FOR PUBLIC COMMENTS

VIII. BOARD COMMENTS

1. **HINDS** – he will not be in attendance at the November 14, 2016 Planning Commission Meeting.

IX. NEXT REGULAR SCHEDULED MEETING IS MONDAY, NOVEMBER 14, 2016 AT 7:00 P.M.

X. ADJOURNMENT: With no further business issues on the Agenda, Chair Doyle adjourned the meeting at 8:10 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval