

**CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
ZONING BOARD OF APPEALS MINUTES  
DATE: JANUARY 7, 2003                      TIME: 7:30 P.M.  
PHONE: 810-659-0800                      FAX 810-659-4212  
WEB PAGE: <http://www.gfn.org/flushing/main.htm>**

**MEMBERS:**

Edward Henneke, Chair	James Sarka
Richard Vaughn, Vice Chair	Eric Swanson
Ann Fotenakes, Board Representative	

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

**VICE CHAIR RICHARD VAUGHN** opened the meeting at 7:40 p.m. with Roll Call.

**ROLL CALL:** Sarka, Fotenakes, Swanson, Vaughn, Fitch and Morford

**MEMBERS ABSENT:** Henneke

**OTHERS PRESENT:** Dave Pierson, Andy Rosa, Kelly Limek, Donald Lewis, Karla Lewis, and Chuck Rosa

**APPROVAL OF AGENDA: FOTENAKES MOVED**, seconded by Sarka to approve the agenda as presented. MOTION CARRIED.

**APPROVAL OF MINUTES OF SEPTEMBER 3, 2002: FOTENAKES MOVED**, seconded by Sarka to approve the minutes of September 3, 2002 as presented. MOTION CARRIED.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**1. Approval of 2003 Zoning Board of Appeals Meeting Dates**

**FOTENAKES MOVED**, seconded by Swanson to approve the meeting dates for 2003, for the Zoning Board of Appeals, to be the first Tuesday of the month for May 6, 2003, September 2, 2003, and January 6, 2004. MOTION CARRIED.

**It was recommended to have the election of new officials at the end of the meeting.**

**3. Andy Rosa, 8538 Duffield Road, Flushing, Michigan  
Parcel No. 08-05-100-024 – Variance – Accessory Structure in the Front Yard  
Zoning Ordinance Section 20-400**

**ANDY ROSA (Rosa)**, and his fiancée, **KELLY LIMEK (Limek)** were present to request a variance for the construction of a 30 foot by 40 foot garage structure in the front yard of their property at the corner of Frances Road and Duffield Road. Due to overhead electrical wires and a septic field in the back yard, the garage structure was unable to be constructed in the back of

their property. **LIMEK** stated Consumers Energy would not move the electrical wires even though **ROSA** had been willing to pay to have the utility pole moved to another location.

Per the diagram drawings which had been presented by **ROSA**, there would be 24 feet for the front yard off Frances Road; 48 feet for the front yard off Duffield Road. **FOTENAKES** stated that, per the Township Ordinance, front yard accessory structures were not allowed due to the safety issue.

Frances Road has been the dividing line between Montrose Township and Flushing Township; Montrose Township on the North side, Flushing Township on the South side.

**ROSA** stated that he had talked to Consumers Energy (Consumers) about four (4) or five (5) times in the past and they (Consumers) had indicated everything, regarding the construction of the garage structure, would be fine. Consumers had indicated to **ROSA** that he could build under the wires as long as there were ten (10) feet or more between the wires and the garage structure. At a later time period, a representative of Consumers had come out to inspect the utility matter and indicated to **ROSA** no construction was allowed under the wires.

**LIMEK** stated the 30 foot by 40 foot stick built garage would have the same kind of siding as the house; the roof of the garage would be shingled like the house; and there would be an overhead garage door on the structure instead of the sliding pole barn type door. The front door of the garage would face Duffield Road. The construction of the accessory structure would be a garage, not a pole barn. The garage structure would be used for personal storage such as the storage of cars and childrens' toys.

**SARKA** stated that on a corner lot there had to be 25 foot setbacks for both Duffield Road and Frances Road for right-of-ways. **FITCH** stated there had to be a total of 58 feet to the front of the garage (33 feet (for ½ of the 66 feet roadway) from the center of the road plus 25 foot setback). **ROSA's** property lot size is 170 feet by 296.66 feet. **SARKA** stated the placement of the garage structure would have to be approximately 90 feet from the South property line and 58 feet from the North property line.

**SWANSON** wanted to know why **ROSA** did not extend his present garage which is attached to his house; the propane tank and sidewalk are located in the particular area. **LIMEK** stated that the front of the present attached garage was flush with the front of the house and they (Rosa and Limek) did not want to have an "L" shape home structure. **SWANSON** thought front yard accessory structures did not look very well as there was a front yard structure located across the street from his (Swanson) house and it did not look too well.

**SWANSON** stated a problem with front yard accessory structures have been the blockage of vision for people traveling East and West on Frances Road.

**ROSA** assured the Zoning Board of Appeals, there would be no problems with the construction of the accessory structure in the front yard on his (Rosa) property.

**SARKA** stated the property was very unique.

**FOTENAKES** also stated her biggest concern was the blockage of vision on the corner of Duffield Road and Frances Road.

**AUDIENCE PARTICIPATION:**

1. **Donald Lewis and Karla Lewis, 8498/8505 Duffield Road, Flushing, Michigan** – “wanted to know what would be constructed on the corner of Duffield Road and Frances Road. No objection to the construction of the accessory structure in the front yard.”
2. Letter of correspondence from **Paul O’Leary, 11461 W. Frances Road, Flushing, Michigan** – “felt the accessory structure built on the parcel in the front yard would obstruct vision of oncoming vehicles on both Duffield Road and Frances Roads.”
3. Letter of correspondence returned to township from **Steven Backman, 6020 Myrtle Avenue, Flint, Michigan 48505** – per the Mt. Morris Township Clerk, Mr. Backman has moved out of State.

**SARKA MOVED**, seconded by Vaughn to grant the variance and that it stay within the legal setbacks of 58 feet or further back, and stipulated to be a garage, not a pole barn, and ecstatically it would be the same as the house, as far as the appearance.

AYAS: Sarka, Fotenakes, and Vaughn

NAYS: Swanson      MOTION CARRIED.

**FOTENAKES** inquired from **FITCH** the difference between a pole barn and a garage. **FITCH** stated that most of the accessory structures that he has issued permits recently, have been for pole barns.

3. **Election of New Officials**

**SWANSON MOVED**, seconded by Fotenakes that the 2003 Zoning Board of Appeals officials remain the same as they were for 2002. MOTION CARRIED.

**BOARD COMMENTS:**

None

**NEXT REGULAR SCHEDULED MEETING** will be held on **TUESDAY, MAY 6, 2003.**

**ADJOURNMENT:** There being no further business matters, the Vice Chair adjourned the Zoning Board of Appeals meeting at 8:45.

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EDWARD HENNEKE, Chairperson

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JULIA A. MORFORD,  
Recording Secretary

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RICHARD VAUGHN, Vice Chairperson

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Date Approved

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