

**FLUSHING CHARTER TOWNSHIP
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433**

**ZONING BOARD OF APPEALS AGENDA
DATE: SEPTEMBER 2, 1997 TIME: 7:30 P.M.**

MEMBERS

Edward Henneke, Chairman
Harvey Workman, Vice Chairman
Lynn McLean, Twp. Board Representative

James Sarka
Richard Vaughn

Jerald W. Fitch, Building Inspector
Ida M. Reed, Recording Secretary

MEMBERS ABSENT: None

APPROVAL OF AGENDA: The agenda was approved as presented.

1. Vic Dipinski, is requesting a variance from the set back ordinance'
2. Flushing Presbyterian Church is requesting variance from sign Ordinance

REQUEST BY MR. DIPINSKI:

PUBLIC HEARING: Proper forms were filled out by applicants. The fees have been paid and notices were sent to everyone living within 300 feet of the requests

CHAIRMAN HENNEKE asked Mr. Dipinski to explain why the strict enforcement of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Mr. Dipinski stated that he owns property on the corner of Mt. Morris and Seymour Roads, and would like to either add on to the existing building or construct a new building that would be 94 feet long and 48 feet wide for the purpose of a party store.

CHAIRMAN HENNEKE asked the building inspector what the normal set backs would be for this building in this (C-2) commercial zoning.

MR. FITCH stated the side and rear set back would be 100 feet because it joins residential property. The front set back would be 80 feet. It is a corner lot so it has two front-set-backs. The side facing Mt. Morris Road has a set-back of 80 feet and the side facing Seymour Road has a set-back of 80 feet. As our ordinance reads now the two remaining sides require a set back of 100 feet..

When this building was first approved it was in compliance with our ordinance that was in effect at that time. Since then the ordinance has been changed, and it is now a legal non-conforming use. He can use it as a commercial piece of property as long as he doesn't change anything, but if he changes the property in any way he will need to abide by the present ordinance. The original use was an archery business, and there have been two churches that used the building for services. The surrounding properties are zoned RSA.

Mr. Dipinski stated that if he is allowed to construct a new building he will use cement block, but if he is only allowed to add onto the present building he would use wood construction like the rest of the building.

The building inspector stated that a commercial building is required to have a two (2) hour fire wall. This can be done very easily with cement block, and it can also be done with wood.

ROY ECKERT, 8035 Seymour Road stated that he is opposed to the request because there is a party store within one mile, and doesn't think we need another one that close.

RONALD WENZLICK, 8047 Seymour Road is opposed to the request because there is a party store within one mile to the east and another party store within one mile to the north.

MR. DIPINSKI stated that he owns the party store to the north and he will be closing that one down if he opens the new store

LEO STEVENS, 9486 Mt. Morris Road, is the nearest residence to the east, and he does not have a problem with it. He would like to see something done with that piece of property. He also owns the property to the north of this request, and if he builds a home on that property, he would be at least 100 feet from this request.

JOYCE TOWNS, 8056 Seymour Road is opposed to the request because there is already enough traffic on that corner.

A LETTER was received from the Flushing Sportsman's Club that stated they not have a problem with the request.

CHAIRMAN HENNEKE stated this piece of property is already zoned commercial, and the issue is not if it is going to be used for another business. The issue is what impact this would have on the sites, and the health and safety of the area. We can't change the use with a variance. We can only change the requirements in the ordinance if the strict enforcement would cause an injustice.

MRS. DIPINSKI stated that they own the party store on the corner of Frances and Seymour Road. They are very conscious of the surrounding neighbors, and what they need to do so the business will not be a problem to the surrounding area. When they purchased the store on Frances Road they cleaned it up and it is a very well run operation now. Before they purchased it the police had a lot of problems with the former owners.

CHAIRMAN HENNEKE asked the building inspector if he had any comments he would like to add. Does he see a problem if there are changes to the site line.

MR. FITCH stated he does not see a problem with the site, and does not see any problems with the set backs from the road. Mr. Dipinski will need a fire wall for the building. If his request is approved, his next step would be to meet with the Planning Commission for approval of a site plan, and then submit a set of plans to the building department.

CHAIRMAN HENNEKE asked for a motion on the request.

HENNEKE MOVED, motion seconded by Sarka to grant the variance based on the application made, and the revised site drawing for a commercial building on the corner of Mt. Morris and Seymour Roads. The strict enforcement of the provisions of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose. The need for a variance is due to unique circumstances of the property. The owner did not create the conditions and circumstances unique to the property. It will not confer special privileges that are denied other properties similarly situated and in the same zoning district. The requested variance is not contrary to the spirit and intent of this zoning district and public safety. Yes 5. No: 0. MOTION CARRIED.

CHAIRMAN HENNEKE instructed Mr. Dipinski that the variance has been granted, and he was instructed to see the building inspector for further instructions.

REQUEST BY FLUSHING PRESBYTERIAN:

DALE BOWEN lives at 281 Ray Street in the City of Montrose. He addressed the board as a member and a representative of the Flushing Presbyterian Church. The church address is 5010 McKinley Road, and is located on the corner of McKinley and Carpenter Roads. The church is asking for a variance from the sign ordinance, because they want to install a sign at the front of their church that is larger than what is allowed in our sign ordinance.

There is a sign at the location at the present time, but it sits back a long distance from the road, and there is no way to change the messages on the sign. They wish to install a sign that has space for messages. They wish to install a sign that is 36 square feet, which would be 6 inches larger than the 32 square feet that is allowed in our ordinance. They plan to install the sign perpendicular to McKinley Road. They would like to set the sign 55 feet from McKinley Road and 60 to 70 feet from Carpenter Road.

It will be a two sided sign, and will be made of translucent plastic, and will be illustrated and lighted from the interior. The lights will be controlled by a timing mechanism located within the church.

The board was given a picture of what the sign would look like. It was designed by a professional, and is very attractive, and will accomplish all they wish it to do.

The sign would have a metal apron at the bottom with the sign on top, and would stand no higher than 6 feet from the ground level.

The board asked several questions of Mr. Bowen concerning the sign and the proposed location.

The section of the Sign Ordinance that deals with this request is Section 1.5.4 Residential, Institutional Uses Permitted in Residential Zoning Districts - Permanent Signs. (1) Where institutional uses are permitted in a residential zoning district, there shall be permitted one (1) residential sign which may be directly or indirectly illuminated not to exceed thirty two (32) square feet in area. In the case of a freestanding sign, such sign shall not exceed fifteen (15) feet in height, and shall be set back so that the face or any part of the sign is not less than ten (10) feet back from right of way line. A permit is required.

Institutional signs include, but not limited to churches, schools, funeral homes and cemeteries.

Mr. Bowen agreed to abide by whatever restrictions the board may require.

SARKA MOVED, motion seconded by Vaughn to approve a variance for a 36 square foot sign, and leave it up to the discretion of the Building Inspector and Chief Kennedy to determine the placement of the sign in relation to the set back from the property line on McKinley and Carpenter Roads. Sarka suggested the sign be placed 15 feet from the road right of way. This is not an unreasonable request to add 6 inches to the sign. There are unique circumstances to the property. This is for a church and not for personal gain. We would not be conferring special privileges with this request. It will not effect the safety of the community. There will not be a problem with traffic when the sign is placed as per the building inspector and the chief.

Henneke stated that this is not outside the spirit of our ordinance as this is only adding 6 inches maximum that is allowed. Because of the size of the property and the set back the sign is not going to appear even as large as 32 square feet.

Yes: 5. No: 0. MOTION CARRIED.

Mr. Bowen thanked the board and stated they would probably install the sign next spring.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

APPROVAL OF PREVIOUS MINUTES: MCLEAN MOVED, motion seconded to approve the minutes of 6/3/97 with changes on page 4, second paragraph., last phrase. It should say:: (to no higher than four (4) feet with a non-blinding (non-obscuring) fence. MOTION CARRIED.

This could be done with a chain link or split rail fence.

Mr. Fitch asked the board if they have a problem with the sign ordinance and the conditions required for signs in Flushing Charter Township. Do they think it is too restrictive.

CHAIRMAN HENNEKE stated that he personally felt we were fine where we are, and if there are special circumstances the Zoning Board of Appeals can deal with them.

NEXT REGULAR MEETING of the Zoning Board of Appeals will be held on Tuesday, December 2, 1997

ADJOURNMENT:

Edward Henneke, Chairman

Ida Reed, Recording Sec. Secretary

Harvey Workman, Secretary
Vice Chairman

APPROVED _____