

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

ZONING BOARD OF APPEALS

DATE: DECEMBER 1, 1998

TIME: 7:30 P.M.

MEETING CALLED TO ORDER at 7:30 P.M. p.m. by Chairman Henneke

MEMBERS PRESENT

Edward Henneke, Chairman

Harvey Workman, Vice Chairman & Secretary

Lynn C. McLean, Township Board Representative

James Sarka

ALSO PRESENT:

Jerald W. Fitch, Building Inspector

MEMBERS ABSENT: Richard Vaughn

Also absent was Ida M. Reed the Recording Secretary. The minutes were drafted from the tape that was recorded by the Building Inspector

APPROVAL OF AGENDA: There was not an agenda for this meeting, because Mr. Fitch did not receive any requests to be presented at this meeting.

APPROVAL OF MINUTES: The minutes were not considered at this meeting because Richard Vaughn was absent. It was felt that the members that were present at this meeting should be present to approve the minutes.

MR. DANIEL WILLIAMS, 5525 Deland Road showed up at this meeting unannounced. Mr. Williams appeared before the Zoning Board of Appeals on September 1, 1998 with a variance request for a fence. His request was denied because it did not meet the requirements for a variance.

CHAIRMAN HENNEKE informed Mr. Williams that he would have to submit a new request for a variance. He isn't sure if this is proper, but if Mr. Williams has new evidence that is different from what was presented at the previous meeting, he may be within his right to ask for a new hearing. Chairman Henneke is not prepared to give him a legal opinion on this issue at this time. Mr. Williams was instructed to prepare a new petition and attend the meeting in January, and be prepared to submit any information that is relevant to this issue. Chairman Henneke will give Mr. Williams a legal opinion at that time. If it is legal to re-hear this issue, the petition will be addressed at that time.

The ZBA discussed questions the Building Inspector had about property line setbacks. This was an informal part of the meeting, but was helpful to the building inspector.

The Building Inspector pointed out that there is a contradiction in the Zoning Ordinance concerning set backs from the property line, and needed clarification from the ZBA. Fitch has a situation where a home was built with the building foundation 10 feet from the property line. The homeowner plans to put a bedroom in the basement with a window well as an emergency exit. The window well would encroach on the 10-foot setback. If it is below grade is it still considered a wall? If it is in the ground or on the ground is there a difference? If it is not attached could it be considered part of the landscape?

12/1/98 appeals

One of the responsibilities of the ZBA is to interpret the Zoning Ordinances. There was considerable discussion, and the ZBA determined that a wall around a window would be included as part of the building. If it were built within the ten-foot setback it would be a violation. If the window well is attached it becomes a part of the structure.

WORKMAN MOVED, seconded by McLean that the Zoning Board of Appeals defines the closest part of any structure is being the point to measure to the side line for determining whether they are ten feet from the side yard lot line. MOTION CARRIED.

It was also determined that the Building Inspector should ask the Planning Commission to clarify the section of the zoning ordinance that deals with setbacks.

NEXT REGULAR MEETING will be held on Tuesday, January 5, 1998 at 7:30 p.m.

ADJOURNMENT: The meeting was adjourned at approximately 8:30 p.m.

Edward Henneke, Chairperson

Ida M. Reed, Recording Secretary

Harvey Workman, Secretary
Vice-Chairman/Secretary