

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
ZONING BOARD OF APPEALS

DATE: MAY 9, 2006 **TIME: 7:30 P.M.**
PHONE: 810-659-0800 **FAX 810-659-4212**
WEB PAGE: <http://www.flushingtowship.com>

MEMBERS:

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

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

I. CHAIR EDWARD HENNEKE opened the meeting at 7:30 p.m. with Roll Call and the Pledge to the American Flag.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Tony Prevost and Sue Prevost

II. APPROVAL OF AGENDA: FOTENAKES MOVED, seconded by Swanson to approve the Agenda as stated. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JANUARY 3, 2006: VAUGHN MOVED, seconded by Fotenakes to approve the minutes of January 3, 2006. **MOTION CARRIED.**

HENNEKE stated in the future the Public Comment Section would follow the "Approval of the Agenda". On the current Agenda, the Public Comment Section would be deferred until after "New Business."

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. **Tony Prevost, Representative of Meadowbrook Park Homeowners Association, 5065 Prestonwood Lane, Flushing, Michigan**
Variance of Flushing Township Sign Ordinance, Section 13.5-57(b)

HENNEKE read the Notification of Variance Request Letter dated April 27, 2006 which was sent to everyone within three hundred (300) foot of the proposed request:

RE: Charter Township of Flushing Zoning Board of Appeals Meeting

Dear Property Owners:

TONY PREVOST, Representative of Meadowbrook Park Homeowners Association, 5065 Prestonwood Lane, Flushing, Michigan 48433, has petitioned the Charter Township of Flushing Zoning Board of Appeals for a Variance of Flushing Township Sign Ordinance, Section 13.5-57(b) for placing a sign at the entrance of Meadowbrook Subdivision located on Carpenter Road east of Deland Road, across from the Flushing Middle School.

The Charter Township of Flushing Zoning Board of Appeals will meet to hear this case on Tuesday, May 9, 2006 at 7:30 p.m. Said meeting will be held at the Flushing Township Hall, 6524 N. Seymour Road, Flushing, Michigan 48433.

You may attend this meeting if you desire, but if you are unable to attend, you may submit a letter to this office prior to the meeting stating your position. Send your letter to the attention of Jerald W. Fitch, Building Inspector for the Charter Township of Flushing

THERE WERE NO RESPONSES TO THE NOTIFICATION LETTER.

TWO (2) INDIVIDUALS WERE PRESENT: TONY PREVOST (PREVOST) AND SUE PREVOST, TREASURER OF THE MEADOWBROOK PARK HOMEOWNERS ASSOCIATION.

PREVOST felt the wording “for placing a sign at the entrance” should be changed to “for the relocation of a sign” as that is the purpose of his request for being at the current meeting. The sign has been in the same location for over ten (10) years.

HISTORY OF THE MEADOWBROOK PARK SUBDIVISION SIGN:

PREVOST stated the former Meadowbrook Park Homeowners Association (Association) President, George Kukler, had attended different meetings over the years involving the Flushing School Board prior to the construction of the new Flushing Middle School (Middle School) to determine what affect the new school would have on Meadowbrook Park Subdivision.

The entrance of the Middle School was placed directly across Carpenter Road from the East entrance of Meadowbrook Park Subdivision. The Association did not know the County was going to widen Carpenter Road; when the road was widened, the current sign in question, was a hazard for coming out of the subdivision as the individuals had to pull out into Carpenter Road to see if a vehicle is coming. Chief Doug Kennedy (Chief Kennedy) was monitoring the traffic in the area when the Middle School first opened; Chief Kennedy contacted **PREVOST** regarding the issue. **PREVOST** stated the Association was willing to move the sign to prevent any

accidents. **PREVOST** and Chief Kennedy discussed possibilities such as going to the County to find a solution to the problem.

SUGGESTED SOLUTION TO THE SITUATION:

1. Turn the sign forty-five (45) degrees; later it was decided to move the sign straight back
2. The Association is currently requesting permission to move the sign straight back fifteen (15) feet from the leading edge of the sign.
 - a. the sign will be well off the curb corner
 - b. the sign will be located between a light post and a tree
3. The Association is trying to prevent anyone from being injured even though the Association didn't create the problem.
4. **PREVOST** has been working with the Flushing School Board, Chief Kennedy, and **JERRY FITCH (FITCH)** Flushing Township Building Inspector, and felt the above mentioned solution would be the best solution to the problem but would not be as aesthetically pleasing as is current.
5. Crannie Signs has been contacted to re-locate the purposed sign.

DISCUSSION OF THE SITUATION:

- **HENNEKE** wanted to know how the sign would aesthetically change. **PREVOST** stated there was a Consumers Energy electrical meter and to move the sign back, the sign would be located between the meter and the tree. The lamp post was located toward the front of the island; the sign could be moved back three (3) or four (4) feet but the lamp post would be blocking the sign. The sign could be viewed great coming from the East going West.
- **FOTENAKES** wanted to know how far back the sign would be moved. **PREVOST** stated the sign could be placed another fifteen (15) to seventeen (17) feet back.
- **HENNEKE** wanted to know if a portion of the island was part of the road right-of-way. **FITCH** stated there was a utility pole and a rock located on the island; the purposed sign could be moved to the proposed particular area.
- **VAUGHN** inquired as to the sign being at the East or West entrance of the subdivision. **PREVOST** stated the sign was located at the East entrance to the Subdivision; nothing is located at the West entrance.
- **HENNEKE** wanted to know if there were any problems getting the island out of the road right-of-way. **PREVOST** stated the island had been in the current position forever. **PREVOST** stated originally Mr. Jakeway owned the property; the subdivision was later turned over to Mr. Asher who had the island constructed. **FITCH** stated the area was a platted subdivision and had gone through the process with the Road Commission, Drain Commission, etc. The island was put in according to the drawings.
- **HENNEKE** stated normally rights are not granted to place anything in the road right-of-way that is of a fixed structure.
- **PREVOST** has contacted Mr. Asher concerning more information on the subdivision island.
- **HENNEKE** wanted to know if **PREVOST** would have to get a permit from the Genesee County Road Commission to move the proposed sign. **PREVOST** stated he would not have to obtain a permit because technically the island is in the road right-of-way.

- **PREVOST** stated the sign is made to disintegrate if it is hit by a vehicle. The curb of the road would do more damage than the sign.
- **HENNEKE** stated the problem is the location of the sign which is a visual hazard.
- **HENNEKE** stated the ordinance would require **PREVOST** to go back to the original right-of-way line and then ten (10) foot behind that line. If the Zoning Board of Appeals (ZBA) required **PREVOST** to move the sign even with the road right-of-way, would there be a problem? **PREVOST** stated a tree might have to be removed; the sign would have to be moved, so if the problem was the pole everything would be fine.
- **SWANSON** stated that Carpenter Road has a one hundred (100) foot easement; **FITCH** stated if the road was a section line road, it generally was one hundred (100) foot right of way. (Examples: McKinley Road, Elms Road, Carpenter Road, Coldwater Road, Seymour Road, Mt. Morris Road, etc). **FITCH** stated that in a subdivision the streets were sixty-six (66) foot wide; along the South side of Carpenter Road there is a roadside subdivision that has a fifty (50) foot right-of-way. **FITCH** stated the greater road width was in case there was ever a need to widen the road due to traffic. The easement across the bridge at Mt. Morris Road has a one hundred fifty (150) foot right of way.
- **FOTENAKES** wanted to know what would be the cost of moving the sign. **PREVOST** stated the cost would be \$160 per hour for a period of two (2) to four (4) hours. **PREVOST** has paid \$100 to come before the ZBA to hear the proposed sign request.
- **HENNEKE** wanted to know the size of the sign. **PREVOST** stated the sign was eight (8) foot. There was a new sign that was replaced in 2000; the sign was hit by a vehicle in 2004.
- **VAUGHN** wanted to know how far back the electrical box was located. The sign would be located behind the electrical box.
- **FITCH** stated there were monuments at one time on the West and East side of the subdivision. Due to sewer construction for the Middle School, the monument on the West side of Meadowbrook Lane might be gone. The monument on the East side could possibly still be in place. **FITCH** stated there were monuments at one hundred (100) and sixty-six (66) foot.
- **VAUGHN** wanted to know if anything would be done to the island itself. **PREVOST** stated that nothing would be done to the island except plant some grass.
- **HENNEKE** stated the island is not grandfathered but is a problem now because of the turning lane for the middle school.
- **FOTENAKES** stated that what is being addressed is “could **PREVOST** move the sign back.”
- **HENNEKE** stated the ZBA could not grant a variance to go into the road right-of-way but as long as it is back of the road right-of-way (Carpenter Road), the ZBA might have some discretion as to the ten (10) feet. There is also a road right-of-way for the North/South road and should not be as big of an issue as Carpenter Road.
- **FOTENAKES** stated that as long as **PREVOST** re-located the sign ten (10) foot out of the road right-of-way, would **PREVOST** be in compliance with the sign ordinance? **PREVOST** stated it would depend upon where the sign would be; the sign would be as far back as could be without taking out trees. If the sign was turned sideways it would not be parallel with the road.
- **SWANSON** stated he could work with the ten (10) foot variance.

- **HENNEKE** stated the way the road was currently set up, if the sign was moved back of the road right-of-way, there would still be some visibility but there may be the issue if the boulevard should be cut back, but the boulevard issue would not be a problem for the Township.
- **HENNEKE** read *Variance Review Procedures, Section 20-2208 (a) 3 (c) which states:* “The conditions and circumstances unique to the property were not created by the owner. . .”
- **HENNEKE** wanted to know when the sign ordinance had gone into affect. **FITCH** stated the ordinance went into affect February 22, 1996.
- **FOTENAKES** stated if the issue had went through the County and it was a platted subdivision and everything had been done per the requirements, it would not be the peoples’ fault, it would be the County’s fault.
- **FOTENAKES** wanted to know who installed the original sign. **PREVOST** thought Crannie’s had installed the sign, but after checking all of the records, Crannie’s could not find any documentation.
- **HENNEKE** felt if the sign could be moved back to at least the road right of way line. The curb doesn’t seem to create a hazard for the individuals pulling out onto Carpenter Road. The sign would not appear to be a hazard at that particular point.
- **PREVOST** would not have a problem with moving the sign back. The Association doesn’t have a lot of money to spend but would like to keep the sign in place since it has been in existence for a long time.
- **SARKA** stated the biggest mistake was the placement of the boulevard; the sign would not be in place either. **HENNEKE** stated the drawings did not show a boulevard in the subdivision.

FOTENAKES MOVED, seconded by Vaughn to allow the sign to be placed outside of the road right of way and with further condition that should the road way be open to a four (4) lane roadway all the way through so that if and when the island would have to be removed, then the sign would have to be moved again. If the sign became an issue, it would have to be moved another ten (10) feet.

DISCUSSION OF THE MOTION:

(INTERPRETATION OF THE MOTION: The ZBA will grant the variance to allow the sign to be moved outside of the road right of way but less than ten (10) foot from the road right of way and on the condition that should the expansion on Carpenter Road require a greater distance from the road right of way than presently exists, the Association would incur those expenses at the time.)

- **HENNEKE** stated the ZBA is not requiring **PREVOST** to move an additional ten (10) foot behind the road right of way line.
- **PREVOST** stated there are two (2) light posts and three (3) trees on the boulevard plus an electrical meter that has an address, at a cost of \$25 per month for the lighted sign.

**ACTION OF THE MOTION:
MOTION CARRIED.**

VI. PUBLIC COMMENTS:

1. **HENNEKE** stated the new 2006 Michigan Zoning Enabling Act would take affect on July 1, 2006 and could be implemented over the next five (5) years.

VII. NEXT REGULAR SCHEDULED MEETING will be held on **TUESDAY, SEPTEMBER 5, 2006 AT 7:30 P.M.**

VIII. ADJOURNMENT: HENNEKE declared the ZBA Meeting adjourned at 8:15 p.m.

EDWARD HENNEKE, Chair

JULIA A. MORFORD, Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved

05/09/06 appeals