

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING MI 48433
ZONING BOARD OF APPEALS

DATE: JANUARY 3, 2012

TIME: 7:30 P.M.

PHONE: 810-659-0800

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WEB PAGE: <http://www.flushingtowship.com>

MEMBERS:

Edward Henneke, Chair

Richard Buell

Richard Vaughn, Vice Chair

James Sarka

Scott Minaudo, Board of Trustees Representative

Julia A. Morford, Recording Secretary

I. CHAIR EDWARD HENNEKE opened the meeting at 7:35 p.m. with Roll Call and the Pledge to the American Flag.

ROLL CALL: Edward Henneke, Richard Vaughn, Richard Buell, Scott Minaudo, and James Sarka,

MEMBERS ABSENT: None

OTHERS PRESENT: Scott Burtrum

II. APPROVAL OF AGENDA: MINAUTO MOVED, seconded by Buell to approve the Agenda with the removal of Number 2, "*Dave Shrader*" under *New Business*; the replacement for Number 2 will be "*Sign Workshop*" to be held on Thursday, January 19, 2012 at Frankenmuth, MI. **MOTION CARRIED.**

DISCUSSION: Chair Henneke stated Mr. Dave Shrader (listed under New Business as number 2) has cancelled so he will be removed from the Agenda. All the Zoning Board of Appeals (ZBA) Members had received notices regarding a "*Sign Workshop*" at Frankenmuth MI, on Thursday, January 19; the "*Sign Workshop*" will be put on the Agenda in place of "*Dave Shrader*".

III. PUBLIC COMMENTS:

7:36 P.M. – Opened for Public Comments

None

7:37 P.M. – Closed for Public Comments

IV. APPROVAL OF MINUTES OF FEBRUARY 1, 2011: HENNEKE MOVED, seconded by Vaughn to approve the minutes of February 1, 2011.

AMENDMENTS TO THE MINUTES: **Page 4**, middle of the page listed under "HENNEKE MOVED", "The variance would not do substantial justice as opposed to the other property owners or vice versa to benefit the other owners as opposed to Mr. Nemer anymore"

CHANGED TO “The variance would not cause substantial injustice as opposed to the other property owners or vice versa to benefit the other owners as opposed to Mr. Nemer.”

APPROVAL OF THE MINUTES AS A WHOLE: MINAUDO MOVED, seconded by Vaughn to approve the Minutes of February 1, 2011 as amended. **MOTION CARRIED.**

V. UNFINISHED BUSINESS:

None

VI. NEW BUSINESS:

1. **Scott Burtrum, 9062 Vista Del Arroya, Flushing MI 48433**
Request for Property Line Adjustment

HENNEKE MOVED, seconded by Vaughn to adjourn without date: 1) to get Township Attorney’s opinion on whether the ZBA can reduce the lot by a variance and 2) to find out what led to Mr. Burtrum’s statement that” he could not build on the vacant property.”

DISCUSSION: It was ask if the Zoning Board of Appeals (ZBA) had the authority to grant a variance. If Mr. Burtrum was making the lot bigger, the Zoning Board of Appeals would not have to do anything.

If an individual owned a 100’ x 200’ lot (20,000 sq. ft) and decided to sell the lot, someone else would not be able to build on the property – if the current owner could get a septic permit, the only person that would be able to build on the property would be the property owner himself. If an individual already had a 100’ x 200’ lot (20,000 sq ft) and the ordinance was changed, it would be considered grandfathered because it would have been legal before the ordinance was changed. It represents the constitution of taking someone’s property as it would be worthless.

The ZBA is trying to avoid a specific hardship which must involve a unique situation which represents a minor inconvenience. Parcel A would be made larger and Parcel B smaller. The Health Department only deals with the septic systems. The Building Permit had been extended one (1) year; a Consent Judgment had been issued so Mr. Burtrum had to clean up the property a few times. The “barn” had been constructed but told that he (Mr. Burtrum) could not build an “accessory structure” without a house first. Mr. Burtrum wanted the “accessory structure” on Parcel A because he was going to turn it into his residence and sell Parcel B.

There was a question regarding the annexing of thirty (30) feet at the North side of Parcel A, which is adjacent to Parcel B. A lot split is not needed. The problem seems to stem from the fact that the permit was given for an “accessory structure” and later became known that the structure would be a “home”; it would have been a cleaner situation had the fact been known from the beginning.

QUESTIONS FOR THE ATTORNEY:

1. An interpretation as to whether the Zoning Board of Appeals has the authority to reduce the size of Parcel B.
2. **BUELL** will contact the former building inspector, Jerry Fitch, to see why Mr. Burtrum could not build on Parcel B and therefore had to extend Parcel A.

3. What is the actual legal on Parcel B?

MR. BURTRUM wanted to know what he should do with the electrical, health department, and building permits?

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

Motion Carried.

CORRESPONDENCE:

1. **Mr. & Mrs. Stephen D. Gillean, 9074 Vista Delarroy Drive, Flushing MI 48433** –

“Concerning Scott Burtrum’s appeal petition to attempt a property split of parcel No. 08-22-200-062 located at 9062 Vista Delarroya Drive, our property is right next to this parcel on the west side. Our position has not changed, we remain opposed based upon the fact these lots were all the same 300 x 300 parcel and Scott Burtrum wants to split 9062 down to a smaller parcel, our position is – NO – this should not be allowed, it will lower the value of our property.

Scott Burtrum’s history of property projects, using oak trees for posts in the pole barn instead of treated lumber, and incomplete pond, does indicate that his standards are below those of building code.

Supporting his request to change parcel sizes appears to encourage his lack of property standards accountability, which injures the neighborhood.”

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2. **2012 Meeting Dates**

MOTION AND SECONDED to have the 2012 Meeting Dates for the Zoning Board of Appeals be on the following Tuesdays at 7:30 p.m.: May 1, 2012, September 4, 2012, and January 8, 2012.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

Motion Carried.

3. **Election of Officers**

MINAUDO MOVED, seconded by Buell to confirm the appointments for the Zoning Board of Appeals for 2012 as Chair Ed Henneke and Vice Chair Richard Vaughn.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

Motion Carried.

4. **“Sign Guidebook Workshop”**

Anyone that would like to attend the workshop, please contact the Clerk and she will make the reservations. The purpose of the workshop would be to control the signage. **HENNEKE** and **VAUGHN** will be attending along with **RON FLOWERS** from the Planning Commission.

VII. NEXT REGULAR SCHEDULED MEETING will be held on **TUESDAY, MAY 1, 2012 AT 7:30 P.M.**

VIII. ADJOURNMENT: MINAUDO MOVED, seconded by Buell to adjourn the meeting at 8:55 p.m.

EDWARD HENNEKE, Chair

JULIA A. MORFORD,
Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved

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