

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING MI 48433

## ZONING BOARD OF APPEALS

DATE: SEPTEMBER 4, 2012

TIME: 7:30 P.M.

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### MEMBERS:

Edward Henneke, Chair

Jerome Doyle

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 7:38 p.m. with Roll Call and the Pledge to the American Flag.

**ROLL CALL:** Edward Henneke, Richard Vaughn, Jerome Doyle, Scott Minaudo, and James Sarka,

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Seven (7) other individuals

**II. APPROVAL OF AGENDA: APPROVED as submitted.**

### III. PUBLIC COMMENTS:

**7:40 P.M. – Opened for Public Comments for Non-Agenda Items**

None

**7:41 P.M. – Closed for Public Comments for Non-Agenda Items**

**IV. APPROVAL OF MINUTES OF MAY 1, 2012: MINAUDO MOVED,** seconded by Vaughn to approve the minutes of May 1, 2012 as presented. MOTION CARRIED.

### V. UNFINISHED BUSINESS:

None

### VI. NEW BUSINESS:

**1. Laroy Miller, 10009 W. Stanley Road, Flushing MI 48433**

**Ronald Scott, 10003 W. Stanley Road, Flushing MI 48433**

Variance for a Property Split with a Zero Property Line, Parcel No. 08-16-200-065

There were two (2) issues being requested. 1) a variance on the size of the lot and 2) the zero lot side setback.

**DOYLE MOVED**, seconded by Minaudo to approve what was being requested based on the fact that even though they have less than three-quarters ( $\frac{3}{4}$ ) of an acre, they still have enough room to put an additional septic field behind the house if necessary, which was why the ordinance was put together in the first place to move from one-half ( $\frac{1}{2}$ ) acre to three-quarters ( $\frac{3}{4}$ ) of an acre.

**DISCUSSION:**

Not a contrary to the spirit of the intent of the ordinances if the Zoning Board of Appeals should grant the request; would not be granting special privileges because don't see it creating a problem having a lack of room for a septic system; the water system is already in place; even though they (Mr. Miller and Mr. Scott) did create the situation, it was created as a townhouse in the first place - if they (Mr. Miller and Mr. Scott) want it to be separated it creates something different; on the other hand, it doesn't create a serious problem because it is already in place. (Granting of a lot size variance and a zero side yard).

**ACTION OF THE MOTION:**

AYES: 5

NAYS: 0

Motion Carried.

2. **Rick Hansen and Phyllis Hansen, 4473 N. Seymour Road, Flushing MI 48433**  
Variance regarding Distance Requirements between Buildings, Parcel No.  
08-27-502-009

**8:06 P.M. – OPEN FOR COMMENTS FROM THE AUDIENCE**

1. **Terry Peck, Supervisor for Flushing Township** – “Hansen had a permit for his house and garage; was later told by the Building Inspector there wasn't enough room between the two (2) buildings; Peck measured the distance and it was nine (9) feet between the foundations; Peck couldn't approve because it didn't meet the code so recommended going to the Zoning Board of Appeals to request a variance; State Building Inspector said permit was issued by the State but didn't meet the code so made a copy and cancelled the permit; Hansen was told he could request a variance.”

**8:10 P.M. – CLOSED FOR COMMENTS FROM THE AUDIENCE**

**DOYLE MOVED**, seconded by Minaudo that the rational should be ten (10) feet and that is trying to allow any kind of vehicle or fire fighting necessity to fight fire; the amount of footage is not a great problem as whether it is capable of being able to ward against fires; for that reason the variance be approved and not ordinarily accepted because if you build according to footage. In the particular case, the issue is a fire problem and the amount of distance is a rational issue to request a variance be obtained for a two (2) foot difference. **DOYLE** would move to accept even if there is a two (2) foot difference.

**DISCUSSION:**

There was discussion as to the ten (10) foot rule was not clear if it was from foundation to foundation or eve to eve; it was felt it was from foundation to foundation. A breezeway could be constructed between the two (2) buildings which would be legal.

It was recommended to have the Planning Commission update the ordinance to make a specific ruling on the distance between buildings. In the Zoning Ordinance, there is a distinct difference between attached and detached accessory structures; the attached accessory structure has to comply with the yard requirements and the detached accessory structure shall not be nearer than ten (10) feet to the principal building so that fire fighting equipment can get between the buildings. It was mentioned that ten (10) feet is really too small for an emergency vehicle to get between the buildings and would have to go around the building.

**3. Jared Staley, 9352 W. Stanley Road, Flushing MI 48433  
Variance for a Minimum Lot Size**

**IT WAS DETERMINED** that the variance could not be granted; a Quit Claim Deed is the only thing that would be needed. A variance is not needed to add to only subtract from the property.

**VII. NEXT REGULAR SCHEDULED MEETING** will be held on **TUESDAY, JANUARY 8, 2013 AT 7:30 P.M.**

**VIII. ADJOURNMENT: VAUGHN MOVED**, seconded by Minaudo to adjourn the meeting at 9:00 p.m.

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**EDWARD HENNEKE**, Chair

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**JULIA A. MORFORD**,  
Recording Secretary

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**RICHARD VAUGHN**, Vice Chair

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Date Approved