

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING MI 48433

## ZONING BOARD OF APPEALS MINUTES

DATE: MAY 6, 2014

TIME: 7:30 P.M.

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### MEMBERS:

Edward Henneke, Chair

Eric Swanson

Richard Vaughn, Vice Chair

James Sarka

Donn Hinds, Planning Commission Representative

Julia A. Morford, Recording Secretary

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

**ROLL CALL:** Edward Henneke, Richard Vaughn, Donn Hinds, and Eric Swanson

**MEMBERS ABSENT:** Sarka

**OTHERS PRESENT:** One (1) other individual

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

### III. PUBLIC COMMENTS:

**7:33 P.M.** – Opened for Public Comments for Non-Agenda Items

None

**7:34 P.M.** – Closed for Public Comments for Non-Agenda Items

**IV. APPROVAL OF MINUTES OF JANUARY 7, 2014: VAUGHN MOVED,** seconded by Hinds to approve the Minutes of January 7, 2014 as presented but under “Roll Call” remove the name of Eric Swanson because he was absent from the meeting. MOTION CARRIED.

### V. UNFINISHED BUSINESS:

None

### VI. NEW BUSINESS:

- 1. Chance Tyler, 5207 Lane Street, Flushing MI 48433, Parcel No. 08-24-576-059**  
Variance Request for a Fence in the Front Yard per *Code of Ordinances, Fences, Section 6.7 “Exclusion of Certain Property.”*

**CORRESPONDENCE WAS NOT RECEIVED FROM ANYONE REGARDING THE REQUEST.**

**SPECIFICATIONS:**

- The request is for a fence in the front yard only; there are pine trees in the front and Mr. Tyler would not be able to see his dogs.
- The cost of the fence would be \$1,500; drawings were submitted.
- The description of the Property is Lot 5-A, 2.88 acres and Lot 5-B, 2.00 acres as described on the Plat of Survey by Davison Land Surveying Inc.
- The fence will be woven farm type fencing without barb wire on the top.
- Fence requirements are different than what is being requested.

**DESCRIPTION OF PROJECT:**

One of Mr. Tyler's neighbors (across the road and to the South) has chickens and Mr. Tyler has two (2) Brittany bird dogs. The specified fencing would keep the dogs inside the fence. The fencing would be four (4) foot in height. There will be a gate at the driveway.

The fence will be located in front of the pine trees, on the back side of the ditch. Mr. Tyler stated he could put up the chain-link fence if he had to since it was considered "*ornamental*" in the front yard per the ordinance which states "no fence other than an ornamental fence shall hereafter be located in the front yard." The four (4) foot fence is due to vision purposes.

It was mentioned that since Mr. Tyler was so close to the five (5) acres and none of the neighbors had any objections, why would he need a variance. If there were two (2) or three (3) acres it would be a different situation. Mr. Tyler has the necessary property frontage.

The nearest house to the South of Mr. Tyler's is 300 to 400 feet. The properties on Lane Street are residential. McCarron's Orchard does not back up to Mr. Tyler's property.

**HINDS MOVED**, seconded by Swanson, to grant a variance to Mr. Tyler, which would not be harmful or deleterious to anyone if we granted the variance; because of the fact that the property is so close to being five (5) acres (~~1.1 acres too short~~) (**.12 ACRES TOO SHORT**), within the spirit of the variance, and it would make for a safer situation for the dogs. Mr. Tyler has: **1)** reasonable use of property and not burdensome, **2)** there are no unique circumstances except for the fact that he is so close to five (5) acres and because of the location where it is on the roadway, **3)** not necessarily contrary to the spirit intended of the zoning ordinance, and **4)** would do substantial justice and if there were any objections to this in writing or persons present in the meeting, as all were notified. **MOTION CARRIED.**

**VII. NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 2, 2014, AT 7:30 P.M.**

**VIII. BOARD COMMENTS:**

1. It was recommended to have the Zoning Administrator be present at the Zoning Board of Appeals because he would know the lay of the land better than the Zoning Board of Appeals.

**IX. ADJOURNMENT: VAUGHN MOVED**, seconded by Hinds to adjourn the meeting at 7:45 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

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