

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING MI 48433

ZONING BOARD OF APPEALS MINUTES

DATE: MAY 15, 2017

TIME: 7:00 P.M.

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MEMBERS OF ZONING BOARD OF APPEALS

Edward Henneke, Chair

James Sarka

Richard Vaughn, Vice Chair

Timothy Lloyd

Mark Newman – Planning Commission Representative

Joyce A. Wilson – Recording Secretary

- I. CHAIR EDWARD HENNEKE**, opened the meeting at 7:00 p.m. with Roll Call and the Pledge to the American Flag.

ROLL CALL: Edward Henneke, James Sarka, Timothy Lloyd and Mark Newman

MEMBERS ABSENT: Richard Vaughn

OTHERS PRESENT: 10 other individuals present

II. APPROVAL OF AGENDA:

MR. NEWMAN MOVED, supported by Mr. Sarka to approve the agenda as submitted.

THE MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENTS: No Public Comments

IV. APPROVAL OF PREVIOUS MINUTES: No minutes needing approval.

V. UNFINISHED BUSINESS: No unfinished business

VI. NEW BUSINESS:

1. Approval of the 2017 Meeting Dates

MR. NEWMAN MOVED, supported by Mr. Sarka to approve the 2017 meeting dates through January 2, 2018.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Henneke pointed out the ZBA Meetings start at 7:30 P.M. not at 7:00 P.M.

2. Election of Officers

MR. NEWMAN MOVED, supported by Mr. Sarka to elect Mr. Edward Henneke as Chair and Mr. Richard Vaughn as Vice Chair and further move to close nominations.

THE MOTION CARRIED UNANIMOUSLY.

3. Variance request pursuant to *Site Regulations, Section 20-500, Off Street Parking*, for a church at 9500 West Pierson Road, Flushing, MI 48433, Parcel Number: 08-27-300-012.

Mr. John Costa of Architectural Design & Consultation, PLLC was present representing the church. He gave a brief history of the existing church building stating it was built in 2003 and had flourished through the years. He stated the church wanted to add on to the building for classrooms, storage and also to move the administrative offices of the church back to the site from Pierson Road where it is now located.

Mr. Costa stated the Church had originally taken the Site Plan to the Planning Commission on May 8, 2017 and they had requested the Church apply for a variance in regards to the off street parking space requirements. He further stated the ordinance requires one parking space for every three seats or 21 square feet of assembly space, whichever is larger. He noted the original Site Plan in 2003 had been approved based on one parking space for every three seats. He also pointed out the assembly space was not being expanded in this addition. It was explained that the addition would be on the north side of the building and they would be paving what is now about 75% of the gravel part of the existing parking lot.

Chairman Henneke questioned why the same amount of parking spaces would be adequate if they were putting on an addition. Mr. Costa pointed out they were only adding classrooms and not expanding the sanctuary and also moving the administrative offices back to the church site which would take up existing classroom space. The pastor stated there were approximately 325 – 350 members. He also pointed out that they had multiple services. Chairman Henneke suggested there also might be a need for an additional driveway. Mr. Costa stated he had already submitted a request for a recommendation from the Genesee County Road Commission per the request of Mr. Flowers, a Planning Commission Member. He stated he had not heard back from the Road Commission at this time. Chairman Henneke stated when the plan was initially approved, there was some concern about the egress and ingress.

Mr. Newman noted it would only be an increase of about 4 spaces on the plan. He also stated the church was used for other events, i.e. basketball games, weddings and funerals that might generate a parking problem. Mr. Costa pointed out the planned turn around would also help with traffic flow. Mr. Newman further stated it would be approximately 180 parking spaces including paved and gravel. There was further discussion by the Zoning Board and Mr. Costa as to whether additional parking spaces could be placed at the east end of the parking lot. There was also discussion as to whether overflow parking would end up on the shoulder of Pierson Road.

Mr. Costa stated he couldn't see that happening as there was additional room on the property to park. Chairman Henneke and Mr. Newman expressed concern as to the effectiveness of self-policing in Flushing Township when it came to following the ordinances regarding building, pointing out, it should be made clear, that if lack of parking becomes a problem at the church in the future, that any approval/motion should include specifics as to remedies.

PUBLIC COMMENTS REGARDING PROJECT:

OPEN FOR PUBLIC COMMENTS: 7:30 P.M.

Mrs. Jan Aris of 9457 West Pierson Road stated they have never had a problem with traffic.

Mr. Mark Taylor, directly across from church and a church member, stated he didn't think the addition would be a problem.

Mr. Cliff Harvey of Case Construction stated he didn't think the addition would be a problem.

CLOSED FOR PUBLIC COMMENTS: 7:35 P.M.

A brief discussion ensued among the ZBA members as to whether to require 22 or 50 more parking spaces and to have those spaces designated by signage or mentioned in the church bulletin.

MR. NEWMAN MOVED, supported by Mr. Sarka to approve the variance request submitted for 9500 West Pierson Road, Flushing, MI 48433, Parcel Number: 08-27-300-012 subject to the requirement they have a total of fifty (50) additional gravel parking spots, above what is designated on the plan, and those spaces to be appropriately designated with cement bumper blocks and have the landowner's Engineering Firm, Kraft Engineering, consult with the Township's Engineer, Rowe Engineering, to make sure it is of the proper depth and size of gravel that will be acceptable to the Township and it will be up to the land owner to decide where those fifty (50) spots go on the property.

THE MOTION CARRIED UNANIMOUSLY.

4. Extension for previously approved variance to place a Modular Home on a 100' x 196' parcel located at 5506 Johnson Road, Flushing, MI 48433 pursuant to *Site Regulations, Section 20-402, Building Regulations*. (Minutes of said approval are attached)

There was a brief discussion as to whether this item needed to come back to the Zoning Board of Appeals. Supervisor Thorsby was present and agreed with the Board and stated he had checked on line and with the State Building Inspector and it appeared just the building permit had to be renewed.

MR. NEWMAN MOVED, supported by Mr. Sarka to advise the State Building Inspector that the Zoning Board of Appeals approves a continuation of the variance as approved previously.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Henneke briefly discussed with the Zoning Board of Appeals a copy of a lawsuit from the Court of Appeals that he had distributed to the members stating it was important to follow the five reasons listed on page three of the July 9, 2013 ZBA minutes when approving a variance. The five reasons are listed below:

- i. The basis would be strict enforcement of the Zoning Ordinance would unreasonably prevent this owner from using the property for a permitted purpose and would render any conformity unnecessarily burdensome because she would have to buy a lot that was not for sale.
- ii. The need for the Variance is due to the unique circumstances that was a prior plat that did not meet a more recent ordinance amendment.
- iii. The conditions and circumstances are unique to this property, in fact there is another property parcel in the same way in the same subdivision and they were not created because of this particular owner.
- iv. It will not confer any special privileges that are denied other properties similarly situated because of the fact that it was platted and approved and afterwards the ordinance was changed would not be conferring any special privileges in this case.
- v. Believed that the granting of the Variance would comply with the spirit of the ordinance, and public safety would be secured and the fact that the County has approved it for a septic system would avoid any type of pollution to neighboring properties.

VII. NEXT REGULAR SCHEDULED MEETING TO BE HELD TUESDAY, SEPTEMBER 5, 2017 AT 7:30 P.M.

VIII. ADJOURNMENT: It was moved and supported to adjourn the meeting at 8:10 P.M.

THE MOTION CARRIED UNANIMOUSLY.

EDWARD HENNEKE, Chair

JOYCE A. WILSON, Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved