

CHARTER TOWNSHIP OF FLUSHING

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FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION

DATE: MARCH 14, 2005

TIME: 7:00 P.M.

WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

Aaron Bowron, Chair

Jerome Doyle, Vice Chair

Eric Swanson, Secretary

Barry Pratt, Board of Trustee Representative

Richard Buell

Ronald Flowers

David Gibbs

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Bowron, Doyle, Flowers, Gibbs, Pratt, Fitch, and Morford

ABSENT: Swanson and Buell

OTHERS PRESENT: Jerry Lawrence, Lee St. John, and Dale Chiles

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair Aaron Bowron with Roll Call and the Pledge to the American Flag.

BOWRON requested a change be made on the current Agenda, as well as all future Planning Commission Agendas, listed following “New Business”, the addition of “Public Comments” for non-agenda items.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Pratt to adopt the Planning Commission Agenda for March 14, 2005 as presented. **MOTION CARRIED.**

DOYLE would like to know exactly what **LEE ST. JOHN (L. ST. JOHN)** is requesting under “Unfinished Business” on the current Agenda. **BOWRON** stated that it was his (Bowron) understanding that at the February 14, 2005 Planning Commission Meeting, there was mention the issue would be placed on the March 14, 2005 meeting to address any further concerns; **BOWRON** stated he did not understand what the concerns were at the current time. At the “Work Session” on February 28, 2005, establishment was made as to what the Planning Commission was requesting from **L. ST JOHN**. **DOYLE** stated the request had been for an approval to add a lot to his private drive.

III. APPROVAL OF MINUTES: GIBBS MOVED, seconded by Flowers to table the approval of the Planning Commission Minutes of February 28, 2005 until the next regular scheduled meeting to be held on April 11, 2005. MOTION CARRIED.

IV. UNFINISHED BUSINESS:

**1. Lee St. John, 9223 Coldwater Road, Flushing
Approval of a Private Road (Parcel No. 08-22-200-030)**

LEE ST. JOHN (L. ST. JOHN) was in attendance but had no further questions other than he felt the matter had been for a “private drive”. **BOWRON** stated the ordinance did not recognize a private drive; there were common drives and private roads. The Planning Commission had been trying to accommodate the situation so there could be additional construction on the current lots or future lots, so the lots would not be sitting idle. In anticipation of future cases similar to **L. ST. JOHN**, the township attorney has drafted a proposed private drive ordinance. Future Planning Commission meetings will be held to deal with the common drive/private road issue and to decide if the township would like to implement the situation. The draft ordinance would eliminate a lot of the hardships similar to what **L. ST. JOHN** has had to take care of the situation so that it would conform to the ordinance. The Planning Commission would like to make **L. ST. JOHN’S** request, or a request similar to his (L. St. John), as a special land use. The matter would then be reviewed differently from the private road ordinance.

DOYLE stated the matter had been reviewed at different times and with different methods and when **MARK ST. JOHN (M. ST. JOHN)** came to the Planning Commission to request to construct a home, it turned out to be a different request from the updating of the private road ordinance.

The process from which **L. ST. JOHN** originally appeared before the Planning Commission was to receive permission to build on another lot off of the existing private road; they (he and M. St. John) wanted to take a parcel off his (L. St. John) farm and let **M. ST. JOHN** use the driveway. **L. ST. JOHN** stated that instead, the issue is being worked by the Planning Commission so there could be eight (8) or ten (10) more houses on the acreage (private road) and would have to be developed. **L. ST. JOHN** does not want the issue to take place. **DOYLE** stated that **L. ST. JOHN** received an easement and Maintenance Agreement and, therefore, was allowed within the fifty (50) feet and then went to the Zoning Board of Appeals (ZBA), which they (ZBA) allowed that it be acceptable if the variances were approved by the Planning Commission.

DOYLE stated the Planning Commission has plans to update the ordinance with an amendment to put together conditions whereby private roads would be acceptable and non-conforming uses would be eliminated. **BOWRON** stated **L. ST. JOHN** had to comply with the wording of the ordinance as it currently was stated.

At the last few Planning Commission Meetings, it had been established that **L. ST. JOHN** needed recorded easements, a maintenance agreement, and a sealed engineered drawing. When **L. ST. JOHN** comes before the Planning Commission with those items, the issue will continue.

BOWRON stated that as an alternative, **L. ST. JOHN** may want to wait until the zoning ordinance has been amended but until such time the Planning Commission cannot do anything. Precedent for future cases is being set.

PRATT was concerned about the wording from an Opinion of **TOWNSHIP ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** dated February 24, 2005 which stated:

“I would recommend that the Planning Commission require a consolidated legal description of the right-of-way easement together with complete legal descriptions of each benefited parcel, including the parcel resulting from the proposed split of Mr. St. John’s property. The grant of the special use permit would be conditioned on the recording of appropriate easement.”

PRATT wanted to know if there was a consolidated legal description already in affect.

DOYLE stated the sizes of the property have already been determined by the ownership of the people that live on the private drive. The original property, as was originally put together with the private road, included most of the parcels of property. **DOYLE** stated that after reviewing **ATTORNEY MOULTON’S** Opinion to try and resolve **L. ST. JOHN’S** problem, the Planning Commission could or could not grant **L. ST. JOHN** the approval to proceed with the conditions that were handed down by the Zoning Board of Appeals (ZBA), as well as what the Planning Commission would like to recommend. **L. ST. JOHN** would then have permission to do with the lot what he (L. St. John) would like provided he (L. St. John) abided with the conditions.

PRATT thought there needed to be a brand new consolidated legal description for each parcel.

BOWRON stated the preliminary stages of the Opinion (from **ATTORNEY MOULTON**) had been laid out for **L. ST. JOHN**, but, at this time, there has not been a request received by the Planning Commission; an engineered drawing and maintenance agreement has not been received. The matter was discontinued.

V. NEW BUSINESS:

1. Dale Chiles, 7101 Coldwater Road, Flushing, Michigan

Special Use Permit to Place an Accessory Structure in the Front Yard, Parcel No. 08-24-200-031 per Article XVIII, Section 20-1804 which stated:

(A) Accessory Structures in front yards in RSA and RU-1 subject to the following conditions:

1. The lot the accessory structure shall be located on is at least 400 feet deep or adjacent to a river or lake.
2. The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.
3. The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping.

7:27 P.M. – OPENED TO THE AUDIENCE

DALE CHILES (CHILES) of 7101 Coldwater Road, Flushing, Michigan gave the following details:

- There are 5 houses between his house and Coldwater Road.
- There will be a minimum of 75' from the side property line.
- There will be a minimum of 50' from the pond.

ACCESSORY STRUCTURE SPECIFICATIONS:

- Structure will be 44' wide and 64' long
- 14' sidewall with 8' offset on one side.
- 6/12 pitch of roof
- Cement floor
- Electricity in the structure
- Pole structure
- Shingled roof with overhangs to match the house.
- Steel barn with colored siding, rather than vinyl, to match the house.
- Structure will not house animals.
- One (1) 12' x 13' garage door
- Two walk-in doors
- No interior finish at present time
- No heat or plumbing at present
- To be used for storage and perhaps a race car which he (Chiles) owns.

LANDSCAPING:

- the barn will be nestled in a growth of trees which are approximately 40' high.

CORRESPONDENCE:

1. **Mrs. Rita M. Delecki, 7187 Coldwater Road, Flushing, Michigan 48433** – “against the proposed accessory structure for Mr. Chiles.”

COMMENTS FROM BUILDING INSPECTOR, JERRY FITCH (FITCH):

1. **FITCH** stated that Mrs. Delecki owned vacant property on the North side of Coldwater Road but lived in New Lothrop, Michigan. Mrs. Delecki was within the 300' boundary distance when he (Fitch) was determining who should receive a notice as to the construction of the proposed accessory structure. **FITCH** stated he had no issues concerning the proposed accessory structure.

7:45 P.M. – CLOSED TO THE AUDIENCE

DOYLE MOVED, seconded by Flowers that the request by Dale Chiles be approved according to the ordinance with the conditions of specifications and setbacks which were given as seventy-five (75) feet from each side line and at least fifty (50) feet from the pond. **MOTION CARRIED.**

7:50 P.M. – OPEN TO THE PUBLIC FOR GENERAL COMMENTS:

VI. PUBLIC COMMENTS:

- 1. Dale Chiles, 7101 Coldwater Road, Flushing, Michigan** – “recommended a matter such as his proposed accessory structure be approved by the Building Inspector instead of taking up time with the Planning Commission.”

BOWRON stated the Zoning Ordinance acknowledges that instances similar to his (Chiles) are approved by Building Inspectors. Special Use Permits are distinguished between discretionary and non-discretionary. Non-discretionary special use permits in many municipalities will go to administrative personnel as long as everything satisfies the ordinance requirements. Discretionary special land use permit, which **CHILES** is seeking, always comes before the Planning Commission.

7:53 – CLOSED TO THE PUBLIC FOR GENERAL COMMENTS

VII. BOARD COMMENTS:

BOWRON stated the Planning Commission would continue to review, at the Special Meeting on April 25, 2005, the C-1 and C-2 Zoning Districts, Private Road and Common Drive Zoning, and the Open Meetings Act.

VIII. MEETING SCHEDULE:

PROPOSED SPECIAL MEETING – THERE WILL NOT BE A SPECIAL MEETING ON MONDAY, MARCH 28, 2005.

REGULAR SCHEDULED MEETING – MONDAY, APRIL 11, 2005 – 7:00 P.M.

PROPOSED SPECIAL MEETING – MONDAY, APRIL 25, 2005 – 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 9, 2005 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 7:59 p.m.

AARON BOWRON, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 031405