

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING MI 48433

ZONING BOARD OF APPEALS MINUTES

DATE: SEPTEMBER 2, 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 7:32 p.m. with Roll Call and the Pledge to the American Flag.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Two (2) other individuals

II. APPROVAL OF AGENDA: Under New Business as Number 2, there will be comments regarding the Training Session at Frankenmuth. **APPROVED** as submitted.

III. PUBLIC COMMENTS:

7:35 P.M. – Opened for Public Comments for Non-Agenda Items

None

7:36 P.M. – Closed for Public Comments for Non-Agenda Items

IV. APPROVAL OF MINUTES OF MAY 6, 2014: VAUGHN MOVED, seconded by Hinds to approve the Minutes of May 6, 2014 with one (1) correction. **MOTION CARRIED.**

V. UNFINISHED BUSINESS:

None

VI. NEW BUSINESS:

1. Craig Martin, 7151 N. Elms Road, Flushing MI 48433, Parcel No. 08-12-576-011

Variance Request for a Deck that does not meet the setback requirements located at 7151 N. Elms Road, Flushing MI 48433

BACKGROUND INFORMATION:

- Mr. Craig Martin (Mr. Martin) had submitted a plan for the specific deck in September 2012 and was approved by the former Supervisor, but Mr. Martin did not come before the Zoning Board of Appeals (ZBA). Due to Mr. Martin's working conditions, he could not build the deck at the time. There were no changes made to the deck design except there was going to be more of a walk out on the top that was taking too much room from the bottom deck.
- The deck is nine (9) inches off the ground and gradually increases due to the curvature of the ground to fifteen (15) inches.

COMMENTS/QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS:

- **HENNEKE: the problem is the proximity of the shed to the deck, not to the house.**
- The shed has a wood floor and is 10' x 20' in size with a 4' x 4' frame in the bottom ; can the shed be moved?
- **HINDS:** the intent for the distance was to make sure a fire rescue vehicle could get around the house.
- **SWANSON:** is there sewer/septic? Per Mr. Martin, there is a septic.
- **SWANSON:** it looks like there is plenty of access to the septic system.
- **HINDS:** given the access, and it seems fairly reasonable since Mr. Martin was already given an approval, which was or was not correct, does not seem to be an issue and a variance could be issued.
- **SARKA:** has a problem with part of the ordinance which states: "not nearer than ten (10) feet to the principle building", does that mean the deck becomes part of the principle building once it is built or is the principle building only the house?
- **VAUGHN:** the deck is not attached to the house. (PER MR. MARTIN, THE DECK WILL BE ATTACHED TO THE HOUSE BUT IT COULD BE CONSTRUCTED EITHER WAY).
- **HINDS:** recommended the deck be considered an accessory structure.
- **SARKA:** Mr. Martin was once issued a permit.
- **SWANSON:** on the site plans, it mentions "attached accessory building".
- **HENNEKE** read:
 - *Section 20-200, Definitions, Accessory Structures* means a supplemental building, structure, or other construction (which may be part of the principal building, structure, or residence), located on the same lot, which is intended to remain in a fixed location on the lot and which is designed, occupied, or devoted to an accessory use. An accessory structure includes all components of the structure placed underground or suspended in the air. A satellite dish is an accessory structure for the purposes of the set back provision of this Ordinance. . .
 - *Section 20-400(a), Accessory Structures* – an accessory structure attached to the principal building on a lot shall be made structurally a part thereof, and shall comply with the yard requirement of this Ordinance applicable to principal buildings.

HINDS MOVED, seconded by Vaughn, to grant Mr. Martin a Variance so he can build his deck according to his site plan. The elements would be: reasonable use of property and not burdensome; no unique circumstances that would affect safety; not contrary to the spirit of the Zoning Ordinance; no objections have been received from the neighbors that were notified; so would do justice to comply. At one time this request was granted and approved. No safety factors involved. **MOTION CARRIED.**

VII. NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON TUESDAY, JANUARY 6, 2015, AT 7:30 P.M.

VIII. BOARD COMMENTS:

1. **HENNEKE** and Ron Flowers (Planning Commission) recently attended a Planning Meeting in Frankenmuth, MI. Issues that were discussed: changes that will be coming up in the future but not affecting Flushing Township; the big wind turbines; authority of the ZBA and when the rules are preempted by the State; regulations for the wind turbines which cannot have moratoriums for any longer than eighteen (18) months; Marijuana Dispensaries in Michigan. The final word of the Meeting was to not deny anything but obtain all the information that can be obtained. The duty of the Zoning Board of Appeals is to follow the Ordinances.

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

EDWARD HENNEKE, Chair

JULIA A. MORFORD,
Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved