

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING MINUTES

DATE: NOVEMBER 10, 2014

TIME: 7:00 P.M.

WEB ADDRESS <http://flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, Robert Gensheimer, William Mills, Shirley Gage, Ronald Flowers, Donn Hinds and Mark Newman

ABSENT: None

OTHERS PRESENT: Two (2) other individuals

I. MEETING CALLED TO ORDER at 7:05 p.m. by Planning Commission Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Hinds to approve the Agenda by reversing the order of Number 4 and Number 5; Number 5 will be first on the Agenda. MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES: The Minutes were tabled until December.

IV. NEW BUSINESS:

1. Robert Meyers, 3454 Woodridge Drive, Flushing MI 489433

Formal Hearing for the Purpose of Obtaining a Special Use Permit to Expand an Existing Accessory Structure on a lot pursuant to *Article II, Definitions, Section 20-200*.

Mr. Robert Meyers (Mr. Meyers), of 3454 Woodridge Drive, Flushing MI 48433 was present to request a Special Use Permit to expand an existing accessory structure located at 10285 Stanley Road, Flushing MI, which is next to the railroad tracks. Mr. Meyers would like to add a 30' x 44' addition to the front of an existing 26' x 40' structure. The walls would be 14' high.

The structure would be used for housing his motor home. The motor home is 41' long; there is a 40' concrete slab in front of the existing structure.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

1. **FLOWERS:** is there an existing survey for the property? Most railroad right-of- ways are 99' unless otherwise specified; on the drawing supplied by Mr. Meyers, it shows 66'. Also, not sure if there is 12' at the back of the existing accessory structure closest to the railroad tracks; needs to check the survey regarding the easements. ANSWER: Yes, there is a survey.
2. **DOYLE:** the description on the drawing supplied by Mr. Meyers is proper.
3. **NEWMAN:** is the concrete pad already there and is it the approach to the existing structure; are the materials that will be used in the proposed accessory structure, if approved, be similar or match the existing structure. ANSWER: Yes, the concrete pad is already there; was waiting to see if the proposed accessory structure was approved, but yes, it would probably be the same materials because the existing structure needs a new roof.
4. **NEWMAN:** one thing looked at with accessory structures is the consistency of the home and the surrounding areas. There are a lot of barns in the area. The roof on the existing structure would be done at the same time as the proposed addition? ANSWER: it would be easier to do the new roof on the existing accessory structure at the same time the expansion was done, if approved by Planning Commission.
5. **NEWMAN:** is plumbing currently in the existing structure? ANSWER: No plumbing but electricity is currently there.
6. **DOYLE:** has a problem with the use and size of the property so read the below Ordinance:

Section 20-200 – Definitions:

Accessory Structure 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. 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 provisions of this Ordinance. Tower (communications tower) as defined in Section 20-1805(1)(h) and the towers and related equipment associated with residential wind energy systems shall not be deemed accessory structures, but shall be subject to the specific requirements of Sections 20-1805 and 20-1804(NN) of this Ordinance. (Amended by adoption April 21, 2011, Section 20-200 Accessory Structure).

Accessory Use means a use normally incidental to, or subordinate to and devoted exclusively to, the main use of the land, structure or building.

Section 20-400 – Accessory Structures

- (a) *Attached 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.

(c) *Accessory Structure Without Principal Building.* An accessory structure otherwise permissible under this ordinance may be located on a lot without a principal building, by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this Ordinance.

(d) *paragraph 2 –*

No more than one temporary accessory structure, not exceeding 144 square feet in area and 10 feet in height, may be placed in the rear or side yard of a residential lot, on which is located a principal dwelling, without permit.

Placement of a temporary accessory structure which exceeds 144 square feet in area or 10 feet in height, or placement of more than one temporary structure on the same lot, shall require a permit to be issued by the local building official. (Amended by Adoption April 21, 2011, Section 20-400 Accessory Structures a-d)

Section 20-1804 – Requirements for Permitted Special Uses

(A) Accessory Structures

(2) *Accessory Structure on a Lot without a Principal Structure.* A structure which would otherwise be an accessory structure may be located on a lot without a principal structure, subject to the following conditions:

(i) The accessory structure is located on the lot such that its placement will not interfere with the future placement of a principal structure in accordance with the requirements of this Ordinance, and further, that placement of the accessory structure meets all location and set back requirements of this Ordinance for accessory structures.

(ii) The proposed location, size and type of the accessory structure and its intended use are reasonably related to the use and enjoyment of the property.

(iii) The placement of the accessory structure and its intended use will not adversely affect the value, use and enjoyment of other property.

(iv) The accessory structure shall not be used for human habitation. (Amended by Adoption April 21, 2011, Section 20-1804(A) Accessory Structures)

7. **DOYLE:** there is a lot that is less than one-half (1/2) acre, which the ordinance states that in order to be able to have a septic system on a lot where a house is located, it needs to be three-quarters (3/4) of an acre or 200' x 300'. The proposed lot is 200' x 100' on one side and 88' on the other side, which makes it less than one-half (1/2) acre. Does the property have sewer and water? ANSWER: there is water but no sewer.

In order to have the Planning Commission be able to give extra square footage on the existing building, the Planning Commission has to comply with some other things in order to make the lot still an RSA lot rather than it become a storage lot and become a

commercial use. Is there a possibility that putting the Plot Plan together to show where a residence could be placed that would be within the setback limits and where a septic system could be placed on the lot that would still make it an RSA lot.

The request needs to have a Variance that will allow this request to be done and/or a septic permit that shows that the Health Department (or Mr. Meyers) could design a septic system that would work on the property with residence on it. Therefore, it would still be an RSA zoning. What is being requested almost puts the issue into a commercial use and therefore needs a re-zoning or a variance. ANSWER: Mr. Meyers not sure how you would put a home on the property.

If a permit was obtained from the Health Department to install a certain type of septic system, it could take less room than what the Planning Commission is requesting for a regular lot. An open bed system or elevated bed system can be installed. If Mr. Meyers can prove that the type of system is capable of being done, it is legitimate for the Planning Commission to review and decide that it is feasible to be acceptable as far as the ordinance is concerned.

The property would no longer be viewed as RSA but Commercial Use. ANSWER: Mr. Meyers would never consider putting a home on the property. If Mr. Meyers did not add on to the existing structure or put something together with a house that had a larger garage, there might be enough room to install a septic system, if the extra building was not put there, because it would take up more square footage.

8. **NEWMAN:** when was the current building built? ANSWER: approximately twenty (20) years ago. At the particular time, one-half (1/2) acre was acceptable; not sure if a special use permit was required at the time.
9. **DOYLE:** at the time the accessory structure was constructed, it was before the size of the property was increased because of the need for more room for septic systems; the County enforced the ruling. Drainage to the neighbor's property was an issue with the septic systems. Recommended Mr. Meyers work with the Health Department as to how a septic system would work on the property; felt the request was possible with a Variance if the Zoning Board of Appeals would issue a Variance but would have to show that a septic system could be installed on the property and acceptable as far as the County was concerned. Mr. Meyers could also request a different use of the property.
10. **NEWMAN:** could it be that Mr. Meyers is only modifying an existing structure that existed before the ordinance went into affect. The Planning Commission has reviewed the issue with signs, etc. It is a "catch 22" because what else would you use the lot for because of the shape and layout of the property? ANSWER: has talked to the neighbors and if one or the other sells, would probably buy each other out.
11. **GAGE:** is the building ok the way it is at present?

12. **DOYLE:** the building has been there so there isn't anything the Planning Commission can say about that. When the Ordinances have been brought up to date, it has brought the issue in a different mode than it was before. Mr. Meyers is perfectly able to keep the building as it is. The size of the property is the property. The Planning Commission is charged with telling Mr. Meyers what kind of use the property is used for or if it needs to be rezoned.
13. **HINDS:** the Zoning Board of Appeals (ZBA) would take a look at the issue and take all the issues into consideration; it probably wouldn't ever be a desirable piece of residential property. Mr. Meyers has stated it wouldn't be used for a commercial purpose but for the storage of his motor home.
14. **DOYLE:** don't think Mr. Meyers would have to have a Variance for the addition because
it would be up to the Planning Commission to decide if the granting of an extra area for the building, which is a storage building, is going to make it commercial or if it is acceptable in an RSA the way it is.
15. **HINDS:** why would it become commercial if he was storing his motor home in the structure?
16. **DOYLE:** because of the size and use of the lot and keep the property RSA.
17. **NEWMAN:** Mr. Meyers would not be doing a commercial purpose but because when he builds the accessory structure, one could never build a house on the property and it would no longer be RSA; there would not be the ability to put in a septic system or with the drainage of the properties.
18. **DOYLE:** the lot is undersized but the thing is to get all the items on the lot. The issue is to determine if the request makes the request a Commercial Use in an RSA area and if it is acceptable as to just having the barn on the property; there isn't a problem because it doesn't interfere with any setbacks. The point being, the Ordinance states taking
property
and turning it into something else.
19. **HINDS:** what would happen twenty (20) years down the road if someone wanted to build a house on the property?
20. **DOYLE:** a clause could be placed in the request that states that can't be done so it renders the property not useful for anything else.
21. **FLOWERS:** the developer offered the property back to the township because it was unbuildable and he couldn't sell it; it is also next to a railroad; would like to see the survey to determine the 99' right-of-way.
22. **DOYLE:** could place conditions on the property such as the property is unbuildable and cannot be used for a house, existing storage lot, RSA zoning district similar to a farm,
and
next door to a railroad track. What is the best use of the property? The proposed accessory structure could be placed along side the existing structure.
23. **NEWMAN:** not getting into how people use their property; no complaints from residents. Would like to know the direction Mr. Meyers would like to go?
24. **GENSHEIMER:** the right of way should not affect the new structure should it? Would

- the easiest thing to do now would be to get a Variance?
25. **HINDS:** could there be a condition placed on the special use that no house is to be build on the property and that he is not encroaching upon the right-of-way? There is not much use of the land.

CORRESPONDENCE:

None

NEWMAN MOVED, seconded by Gensheimer to approve the application as submitted.

DOYLE recommended placing conditions on the motion to the affect: the property is too small to build a residence, is next door to railroad tracks, and is acceptable to stay RSA zoning, and be considered personal storage, and keep RSA Zoning because it is considered like a barn on a farm.

NEWMAN MOVED, seconded by Gensheimer, to amend the motion to reflect it be personal storage because it is clear that is what he is going to do, not for commercial purposes.

ACTION OF THE MOTION:

YES: 6

NO: 1

V. UNFINISHED BUSINESS:

1. **Continued Review of Sign Ordinance**

Attorney Steve Moulton (Attorney Moulton) has read and has several issues to review and will get back with the Planning Commission.

VI. 8: 00 P.M. – OPEN FOR PUBLIC COMMENTS

None

8:01 P.M. - CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **DOYLE:** recently attended a Genesee County Planning Commission Forum at the MTA Office – similar to a refresher class.
2. **FLOWERS:** would have liked more people to be at the Forum; like a refresher class.
3. **HINDS:** at the Forum there was a Planning Commission Tool Kit – would like for the Township to get one; could pass around to follow Commissioners. The Clerk will check on this issue.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE MONDAY, DECEMBER 1, 2014 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **DOYLE** adjourned the meeting at 8:05 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary
11/10/2014 Plann Min

Date of Approval