

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MINUTES JANUARY 13th, 2025 TIME: 6:00 P.M.

MEMBERS OF PLANNING COMMISSION

Chair – Vicki Peivandi

Vice Chair – William Mills

Secretary – Amy Bolin

Board of Trustees Representative – Terry A. Peck

Jeanette Sizemore, Recording Secretary

Kyle Raup

Matt Strnad

Michael Moon

- I. MEETING CALLED TO ORDER** at 6:00 P.M. by Planning Commission Chairperson Peivandi with Roll Call and Pledge of Allegiance to the American Flag.

ROLL CALL

PRESENT: Peivandi, Strnad, Raup and Peck

ABSENT: Moon, Mills and Bolin

OTHERS PRESENT: Seven (7) others were present.

II. APPROVAL OF AGENDA

TREASURER PECK MOVED, supported by Commissioner Raup to approve to agenda amending ~~Old~~ Unfinished business before New business.

THE MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES

TREASURER PECK MOVED, supported by Commissioner Raup to approve the minutes of the December 9th, 2024 meeting amending Open to Unfinished Business time to ~~7:56~~ 7:02pm and adding Peivandi to item #1 under Unfinished Business Roll Call Vote Ayes.

After no discussion the following motion was made:

ACTION ON THE MOTION

ROLL CALL VOTE

AYES: Raup, Peivandi, Peck and Strnad

NAYS: None

ABSENT: Moon, Mills and Bolin

THE MOTION CARRIED.

IV. PUBLIC COMMENTS FOR AGENDA ITEMS ONLY

OPEN FOR PUBLIC COMMENTS 6:04 P.M.

No comments made.

CLOSED FOR PUBLIC COMMENTS 6:05 P.M.

VI. NEW BUSINESS

1. Discussion and possible motion on special Use Permit to allow a fence that is prohibited by the current Zoning Ordinance at 5221 N. Seymour Road, Parcel No. 08-22-300-004, pursuant to Flushing Township Code of Ordinances *Article XVIII Special Use Permits Chapter 36 Sec. 36-1800, and Fences, Walls, and Other Protective Barriers Chapter 36 Sec. 36-408 (m)*

-Applicant explained his plans in depth of why and what he is doing if ok'd by the Planning Commissioners.

-Zoning Administrator had one anonymous violation complaint on applicant's fence.

-After landscaping is complete the fence will be 6ft with an additional 2 foot of lattice. This fence is in applicants' yard not on property line, and is meant to be more of a flower garden type landscape and is not obstructing surrounding view.

TREASURER PECK MOVED, supported by Commissioner Raup on special Use Permit to allow a fence that is prohibited by the current Zoning Ordinance at 5221 N. Seymour Road, Parcel No. 08-22-300-004, pursuant to Flushing Township Code of Ordinances *Article XVIII Special Use Permits Chapter 36 Sec. 36-1800, and Fences, Walls, and Other Protective Barriers Chapter 36 Sec. 36-408 (m)*

After very little discussion the following motion was made.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Strnad, Peivandi and Raup

NAYS: None

ABSENT: Bolin, Mills and Moon

THE MOTION CARRIED.

V. UNFINISHED BUSINESS

OPEN TO UNFINISHED BUSINESS: 6:26 PM

1. Discussion and possible motion on Chapter 19 Nuisances Article 3 Section 65 RV's –
Revise to allow front RV use with adjoining property permission for certain time periods
no storage or covers allowed

After some overview discussion on the last Planning Commission Meeting
comments from commissioners on the following item.

- Everyone was opposed to written permission by neighbors.
- Rowe explained that you could control some of this with ordinances and code enforcement.
- And possibly taking out permission part of 100-foot setback.

Rowe provided attached document for discussion on possible changes.

Chapter 19 Nuisances Article 3 Section 65 RV's – Move to Chapter 36-319 Revise to allow front RV use with adjoining property permission for certain time periods no storage or covers allowed

Sec. 19-62. Definitions

Recreational vehicle means any vehicle which is not an automobile, truck, or other device primarily used for transport on public highways, including but not limited to, boats, motorhomes, travel trailers, recreational vehicle trailers, campers, truck toppers, ATVs, snowmobiles, jet skis, motorcycles, motor bikes, and motorized carts.

Sec. 36-200

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

Sec. 36-319. Temporary Travel Trailer, Recreational Vehicle, ORV, ATV, Boat, Aircraft Parking

(A) No person shall park, or cause to be parked, any travel trailer or other recreational vehicle over forty-eight (48) hours on any street, alley, highway or other public place or any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park without a Temporary Trailer Special Use Permit as outlined in Sec. 36-1803(C).

~~(B) No travel trailer or other recreational vehicle shall at any time be parked between the established setback line and the curb line on any lot.~~

Below is moved/taken from 19-65 (C)

(B) No owner, occupant or possessor of land within the Township shall keep or permit to be kept at any time on such land, any recreational vehicle, boat, ATV, ORV, trailer or Aircraft unless the recreational vehicle, boat, ATV, ORV, trailer or Aircraft is properly stored, as provided in this ordinance. In addition, a recreational vehicle, boat, ATV, ORV, golf cart, or Aircraft may be kept in the rear yard (as defined in 36-200 of the Charter Township of Flushing Zoning Ordinance) and only in the rear yard if the frontage of the property is less than 125 feet. If the frontage of the property is equal to or more than 125 feet, the recreational vehicle may be kept in the rear yard or the side yard as defined in the zoning ordinance. A recreational vehicle may be kept on a driveway in the front setback for a period of appropriate seasonal use starting April 1 thru October 31, provided, as located on the driveway, the recreational vehicle is a minimum of one hundred (100) feet from any window or door of any residence adjoining or across the street from the property where the vehicle is kept. The (100) foot setback does not apply if written permission is granted by all affected property owners within the said (100) foot. During the April 1 thru October 31 time period, a recreational vehicle cannot be in a "stored" condition including any RV cover or tarping while on the driveway. During the April 1 thru October 31 time period the RV sanitary sewer system may not be attached or connected to any external tanks, hoses or utilities. Any violation of Section 19-65-(C),36-319 (B) as amended, shall be a misdemeanor punishable by fine not to exceed Five Hundred Dollars (\$500) and/or imprisonment not to exceed 90days.

- (C) No travel trailer or other recreational vehicle shall be used or occupied unless there is a clear unoccupied space of at least ten (10) feet on all sides thereof.
- (D) No person shall park, or permit the parking on, any occupied travel trailer or other recreational vehicle, or use, occupy or permit the use or occupancy of any travel trailer or other recreational vehicle on any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park, except as otherwise provided in this chapter.
- (E) No person shall remove or cause to be removed the wheels or tires from any occupied travel trailer or other recreational vehicle, except for the purpose of repair, nor shall any person elevate, block, or stabilize any trailer or vehicle other than with jacks designed, provided, and intended for that purpose. No parked travel trailer or other recreational vehicle shall be occupied for sleeping purposes by a greater number of persons in any one (1) twenty-four-hour period than such vehicle is designed and arranged to accommodate at one (1) time.
- (F) No person shall spill or drain any waste water or liquid waste of any kind upon the surface of the ground or upon any paved area.
- (G) The township building inspector shall have the authority to enter at any reasonable time any premises upon which a travel trailer or other recreational vehicle is parked, used, or occupied for the purpose of ascertaining that the owner, operator, or occupant thereof is complying with all the statutes, ordinances, and rules and regulations governing the same.
- (H) No permanent or movable accessory walled structure shall be attached to any trailer; and no trailer shall be parked in front on the setback line established by this ordinance.
- ~~(I) For those travel trailers and other recreational vehicles shall have properly designed and approved self-contained waste disposal and/or containment facilities, or shall have access to and unlimited use of the sanitary facilities of the dwelling located on the same zoning lot.~~

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 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 setback provisions of this Ordinance. Tower (communications tower) as defined in **Error! Reference source not found.** 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 **Error! Reference source not found.** and **Error! Reference source not found.** of this Ordinance. (Amended by adoption April 21, 2011, Sec. 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.

COMMISSIONER RAUP MOVED, supported by Commissioner Strnad to request a clean copy of the suggested RV Ordinance revisions to Planning Commissioners at next meeting – Eliminating written permission sentence and adding in the definitions provided by Alex from Rowe Engineering and correct the word motive the motor.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peivandi, Raup, Peck and Strnad

NAYS: None

ABSENT: Moon, Bolin and Mills

THE MOTION CARRIED.

2. Discussion and possible motion on Chapter 36 Article 4 Section 400 Accessory Structures - Allow in Front with certain frontage or lot depth.

-After some discussion on wanting to evaluate each application case by case.

-How it would be hard to make an ordinance for every situation using code enforcement regulations as well.

Rowe provided attached document with comments for discussion on possible changes.

Sec. 36-400 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. The footings, foundation and all aspects of the accessory structure shall be to the same construction code requirements applicable to the principal structure.

(B) Detached accessory Structures. A detached accessory structure shall not be closer than five (5) feet from the rear lot line and ten (10) feet from the side lot lines, except as otherwise provided in this Ordinance. An accessory structure may be located in the side or rear yards only, and, unless a greater distance is required by other applicable law, code or regulation, shall not be closer than ten (10) feet to the principal structure-dwelling, or any other structure location on the property. Residential lots that contain a principle dwelling with a front setback exceeding 450 feet will allow a detached accessory structure in the front setback as otherwise provided in this chapter. The total square footage of the footprint of a lot zoned RSA and thirty (30%) percent of the square footage of a lot zoned RU-1 RSA, or located in the front yard unless permitted in the front yard by issuance of a discretionary special use permit pursuant to Section 20 36-1804(A) of this Ordinance. It shall be unlawful to site a shipping container in a residential district, as depicted on the Townships Official Zoning Map.

Commented [AH1]: Recommend that all detached accessory structures maintain all set back requirements of side and rear and front lot.

(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 36-1804(A) of this Ordinance.

Commented [AH2]: Detached accessory structures are permitted in the RSA district. Shall not exceed thirty (30%) of of the total rear lot. Permitted in the front yard by issuance of a special use permit pursuant to Section 20 36-1804(A) of this Ordinance.

(D) Temporary Accessory Structures. Temporary accessory structure is defined as a building or other structure which is not connected to water, septic, sewer, natural gas, propane, or any utility except electricity used only to light the temporary accessory structure; and, which is used solely for purposes of storage.

For a front yard accessory structures in the front yard, what do you suggest the the minimum set backs? How large will you allow them? Are they larger than the principal home? Do we use percentage or a total maximum square foot?

Commented [AH3R2]: Additionally, my concern in the front lot is clear corner.

No more than one temporary accessory structure, not exceeding, or exceeding two-hundred (200) square feet in area and ten (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 the temporary accessory structure shall be in accordance with the setback requirements of this Ordinance. Such temporary accessory structure may be moved on the lot, so long as the required set backs are maintained and may be removed from the lot and brought back without further permit. Placement of a temporary accessory structure which exceeds two-hundred (200) square feet in area or ten (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. It shall be unlawful to site a shipping container, non-metal roofed hoop building, hoop shelter, hoop structure, hoop shed or like fabric structure in a residential district, as depicted on the Townships Official Zoning Map. (find a way to allow greenhouses)
(Amended by Adoption April 21, 2011, Sec.20-400 Accessory Structures a-d)
(Ord No. 2018-3 Adopted 12-3-2018)

Commented [AH4]: I do not recommend allowing such a structure. Every lot has have one principal structure.

Commented [AH5]: Should the definition be in definitions section?

Definitions

Sec. 1-200. Definitions.

Add

Commented [AH6]: Should this be a separate sub section? Hoop buildings are used as greenhouses. Perhaps create greenhouses requirements and as permanent structures?

SHIPPING CONTAINER. A large box, with or without a roof or a chassis and/or wheels underneath, designed primarily for shipping or hauling materials, but which is also suitable for storage of materials. Examples of such containers include intermodal freight containers, site boxes, pods, truck trailers when used for storage, roll-off dumpsters and similar containers.

Rowe alternatives:

Cargo container (See also freight container) A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Freight container. A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Add

Non-metal hoop/fabric structure/building definition

Commented [AH7]: Alternative definitions below.

COMMISSIONER RAUP MOVED, supported by Commissioner Strnad to have Zoning Administrator Mr. Czyzio and Alex from Rowe Engineering to update Chapter 36 Article 4 Section 400 Accessory Structures and bring to next meeting.

After no further discussion the following motion was made.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Raup, Peck, Strnad and Peivandi

NAYS: None

ABSENT: Moon, Bolin and Mills

THE MOTION CARRIED.

3. Discussion and possible motion on Chapter 36 Article 4 Section 408 Fences – Allow privacy fence in front with adjoining property permission

There was discussion to leave as is and only bring up as case-by-case basis.

COMMISSIONER RAUP MOVED, supported by Commissioner Strnad on Chapter 36 Article 4 Section 408 Fences to leave as is.

After no discussion the following motion was made.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Raup, Peck, Strnad and Peivandi

NAYS: None

ABSENT: Bolin, Mills and Moon

THE MOTION CARRIED.

4. Discussion and possible motion on Chapter 36 Article 17 Signs – Update to comprehend most recent United States Supreme Court Decision – Can only control Location, Size and Lighting

-After some discussion about really needing outside source to read our Ordinance to make proper changes. And Alex from Rowe informed us he could do this.

-Would like update, with options brought to next meeting to go over

COMMISSIONER RAUP MOVED, supported by Commissioner Strnad to have Flushing Township Zoning Administrator and Alex from Rowe Engineering to collectively review and provide possible revision of sign ordinance at a later date. Chapter 36 Article 17 Signs

After no more discussion the following motion was made.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Strnad, Peivandi and Raup

NAYS: None

ABSENT: Bolin, Mills and Moon

THE MOTION Carried.

CLOSED TO UNFINISHED BUSINESS: 7:24 PM

OPEN TO NEW BUSINESS ITEM #2: 7:24 PM

2. Discussion and possible motion to approve 2024 Planning Commission Report.

No report presented.

TREASURER PECK MOVED, supported by Commissioner Strnad to move this item to next months meeting so everyone has a chance to receive a copy and evaluate the 2024 Report.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peivandi, Strnad, Raup and Peck

NAYS: None

ABSENT: Moon, Mills and Bolin

THE MOTION Carried.

VII. PUBLIC COMMENTS

OPEN FOR COMMENTS: 7:26 P.M.

Township property owner raised concerns on building a home on their property with neighboring property being zoned for Residential Urban (RU-4).

CLOSED FOR COMMENTS: 7:29 P.M.

VIII. ZONING ADMINISTRATOR COMMENTS

MR. CZYZIO –

-Thanked Commissioner for all their hard work.

-Valero Station is now Sunoco.

IX. COMMISSION COMMENTS

-Commissioner Strnad was welcomed and praised for a job well done.

-Zoning Administrator was thanked for all his hard work. He has been busy for months and doing a great job.

X. NEXT REGULAR SCHEDULED MEETING

MONDAY, February 10TH, 2025 AT 6:00 P.M.

XI. ADJOURNMENT

With no further business, the meeting adjourned at 7:37 P.M.

VICKI PEIVANDI, Chairperson

AMY BOLIN, Secretary

February 10th, 2025
Date of Approval

Jeanette Sizemore, Recording Secretary