

**FLUSHING CHARTER TOWNSHIP
6524 N. SEYMOUR ROAD
FLUSHING MICHIGAN 48433**

ZONING BOARD OF APPEALS

DATE: DECEMBER 2, 1997

TIME: 7:30 P.M.:

CALL TO ORDER: The meeting was called to order by Chairman Henneke at 7:30 p.m.

ROLL CALL:

Edward Henneke, Chairman
Lynn McLean, Township Board Representative

James Sarka
Richard Vaughn

ALSO PRESENT:

Jerald W. Fitch, Building Inspector
Ida M. Reed, Recording Secretary

MEMBERS ABSENT: Harvey Workman

AGENDA: The agenda was approved as amended. Approval of the minutes will be postponed until after the public hearing.

APPROVAL OF MINUTES: As there were no additions or deletions the minutes of September were approved as printed.

PUBLIC HEARING:

BOB HALBEDEL OF 9095 OVERLAND TRAIL IS REQUESTING A VARIANCE TO CONSTRUCT A 6' FENCE IN THE FRONT YARD.

Mr. Halbedel stated that he is requesting a variance from the fence ordinance because he will not be able to install a fence around his pool according to the ordinance. If the fence was installed according to the ordinance it would damage the septic field, and they would be unable to make use of the backyard for their child and themselves in a private secure manner. He wants to install a 6' fence around his pool, and have enough room between the pool and the fence to be able to enjoy his yard. His desire is to install the privacy fence 15' from the curb. He does not feel that it would be an obstruction. A wide large pine tree in the neighbor's front yard that overhangs the curb already obstructs the view.

He installed an in-ground pool this past summer and was told that he would be able to fence it in according to his plans. Now he finds that he will not be able to do that. He was not aware that because he lives on a corner lot that both sides of his property facing a street is considered a front yard, and he needs to abide by the front yard set-backs. He lives in the Ponderosa Subdivision, and as far as he knows there are no deed restrictions against what he wants to do.

Mr. Halbedel had filled out the variance request forms, and presented a copy of his plans for the fence. He also gave each member some copies of pictures of neighboring lots and his lot where he plans to put the fence. Two of the pictures showed 6' privacy fences in their front yard.

CHAIRMAN HENNEKE asked if there was anyone in the audience that wished to make a statement? JUDY DAWSON, 9112 Overland Trail doesn't have a problem with the fence but is concerned about the aesthetic appearance. Part of the appeal of this subdivision is the large beautiful lots.

Kathy and Mike Bitz, 9100 Overland Trail thinks the fence would keep the neighborhood children safe. They like the present view, and would not like that blocked off. If the request were approved they would like to see some landscaping done to improve the appearance of the fence. They think the fence should be 25' from the curb.

CHAIRMAN HENNEKE and several of the board felt they did not have enough information to make a decision on this issue tonight. They suggested that this be postponed and give Mr. Halbedel a chance to get additional specific information. They need to know the distance the proposed fence will be from the curb. Distance from the front of the house where they plan to construct the fence. Distance from the pool to the fence. Location of septic field lines they want to avoid.

HENNEKE MOVED, McLean seconded to postpone a decision on this request until the next meeting when Mr. Halbedel is able to present more specific measurements for his request. Yes: 4. No: 0. MOTION CARRIED.

NEW BUSINESS:

1. SET MEETING DATES

MCLEAN MOVED, Vaughn seconded to approve the meeting dates for 1998, and set them for the following dates with the meetings starting at 7:30 p.m.

January 6, 1998

March 3, 1998

June 2, 1998

September 9, 1998

December 1, 1998.

Yes: 4. No: 0. MOTION CARRIED.

DISCUSSION ensued concerning the township fence ordinance and the need for the Planning Commission to review it's contents and make sure that it says what it means and means what it says. It was felt something was left out when the ordinance was put made a civil infraction.

NEXT REGULAR MEETING will be held on Tuesday, January 6, 1998 at 7:30 p.m.

ADJOURNMENT: As there was no further business the meeting was adjourned at 8:35 p.m.

Edward Henneke, Chairman

Ida M. Reed, Recording Secretary

Harvey Workman, Secretary

Date approved