

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800 FAX: 810-659-4212

MINUTES OF THE PLANNING COMMISSION MEETING

DATE: SEPTEMBER 14, 2015

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, Mark Newman, Ronald Flowers, Donn Hinds, Shirley Gage, and William Mills

ABSENT: None

OTHERS PRESENT: Four (4) other individuals were present.

I. MEETING CALLED TO ORDER at 7:00 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 accept the Agenda as presented. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES:

1. None were available.

IV. UNFINISHED BUSINESS:

None

V. NEW BUSINESS:

1. Mark Coykendall, 8353 McKinley Road, Flushing MI 48433

Formal Hearing for the purpose of a Special Use Permit to place an accessory structure on a vacant lot without a principal building located at 7242 Seymour Road, Flushing MI 48433, Parcel Number 08-10-300-076, pursuant to *Article IV, Site Regulations, Section 20-400(c), Accessory Structures.*

Mr. & Mrs. Coykendall are planning to build a new home on the proposed property located at 7242 Seymour Road, Flushing MI, and would like to build a pole barn first in order to place the tractor and various tools in the barn. Since Mr. Coykendall will be working on the house between his regular job, he would like to leave the tools on the property. The house will be built soon after the pole barn has been constructed. The Planning Commission Members were presented a Site Plan of the accessory structure and house.

COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:

- **DOYLE:** the issue is about setbacks and the location of other residents' homes. When the pole barn is set in the front yard of Mr. Coykendall's property, the plan has to be put together so that everything works. The Site Plan shows:
 1. the accessory structure will be 20' off the front corner (West) of the property and 20' from the North side of the property
 2. the pole barn will be a 30' x 40' building
 3. the building will be pole barn construction with 24" trusses
 4. there will be a steel roof with ½" plywood and steel siding
 5. plywood will be on the deck
 6. the walls will be 7/16" sheathing
 7. the sidewalls will be 14'
 8. there will be a 12'6" overhead door on the South side of the structure
 9. there will be an 82" x 3' service door on the South side
 10. there will be no windows in the structure

- **DOYLE** reviewed the Ordinance:
 1. *Article IV, Site Regulations, Section 20-400, Accessory Structures*
 (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.
 2. *Article XVIII, Special Use Permits, Section 20-1804, Requirements for Permitted Special Uses*
 (1) Accessory Structures in Front Yards: Accessory structures may be permitted in the front yard of a lot located in RSA and RU-1, subject to the following conditions:
 - (i) The lot the accessory structure is to be located on is at least 400 feet deep or contiguous to a river or lake.
 - (ii) The accessory structure shall conform to all minimum front and side yard set backs required for principal structures in the district where the lot is located.
 - (iii) The accessory structure shall 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 exterior finish, and landscaping.
 - (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.
- **DOYLE:** the biggest concern regarding accessory structures in the front yard is that the structure does not disrupt the value of the other properties next to you. The aerial map shows a residence to the North with an accessory structure in their back yard. Mr. & Mrs. Coykendall's structure will be in the front of their particular residence, and closer to the road. From the aerial map, it looks like there is a lot of vegetation on the North side property as well as between the Coykendalls property and the other properties. (Answer: yes). Is there an equal amount of vegetation going to be where your accessory structure will be located? (Answer: Yes, it is all trees). The structure will also be in the front yard of the property to the South of the Coykendalls where a lot of trees are planted. (Answer: Yes) The last parcel is in the back yard of the Coykendalls. The main concern, which the Ordinance states, is that the accessory structure doesn't disrupt the value of the neighbors' property.
 - **NEWMAN:** one of the requirements which the accessory structure Ordinance references is that the structure itself be similar in type and style to the principal residence. Is the Coykendall's home going to be the same color scheme of charcoal gray and emerald green? (Answer: it will be very close and coordinated; there will be a steel roof and vinyl siding on the house). Under the "*Accessory Structures Without a Principal Structure*" it mentions the intended use related to the property. Why not build the garage first and store the items in there instead of the pole barn? Is the pole barn necessary for construction or necessary for future use? (Answer: necessary for construction; the garage will be attached to the house). On either side of the property there are accessory structures; one is actually a landscaping business. What construction materials are used for the accessory structures on either side? (Answer: the neighbor to the South has an all steel pole barn; Mr. Coykendall can't see the big one from his property).
 - **DOYLE:** are the surrounding houses (from the Coykendall property) all stick built houses? Are you going to build a pole barn for your house? (Answer: no, it will be stick built). Is there a basement in the proposed house? (Answer: yes). Will the house be a regular type construction for this area? (Answer: yes). The structure is not going to be exactly the same but the Planning Commission is going to have to try and make it work since the structure will be in the front yard; there is a lot of vegetation to screen the area. The Planning Commission is not trying to lower the value of other neighbors' properties. The structure of the accessory structure has to be of similar type structure as the house. It looks like the only that Mr. Coykendall is going to do to make it the same, even though it is not a stick built but a pole barn construction, is to have a steel roof on the accessory structure and a steel roof on the house. (Answer: yes). What is the roof pitch of the accessory structure and is Mr. Coykendall going to have the same pitch on the house? (Answer: there are several different roof pitches on the house with the main roof being

9/12 pitch, and 4/12 pitch on the porch; the pitch on the accessory structure is a 4/12 pitch. The house is a full two-story house).

- **DOYLE:** a septic permit has to be obtained and there needs to be room for the septic system. Will Mr. Coykendall be cutting down a lot of trees? (Answer: yes). There is a garage and breezeway; there will be fifteen (15) feet between the garage and the pole barn. (Answer: yes). There will be a concrete drive connected. There is a thirty-five (35') driveway? (Answer: 33' driveway). There will be an eight (8') foot crushed concrete driveway.
- **DOYLE:** are there any problems with the driveway getting back to the property where the proposed pole barn will be constructed? (Answer: there is a ditch out front and a ditch on the very back of the property. There is a drain tile sticking up on the South side of the property. Mr. Coykendall's property is completely flat). (One of the neighbors stated the tile was put in years ago but not completed). Are there any ditches along the drive to take care of any extra water when it rains? (Answer: No). What type of base is in the area? (Answer: it is sand base and will take a lot of water).
- **HINDS:** has the perk test been completed? (Answer: no, but in the process of getting the paper work completed). The perk test will tell a lot about the property.
- **GENSHEIMER:** is there a specific reason that the pole barn has to be in the left corner? Could it be in the rear of the house? (Answer: it possibly could be located in the back; it was planned out to be in the front of the house). There is a lot of room in the back yard and wouldn't be as noticeable in the back.
- **FLOWERS:** also thought the pole barn would be better in the back of the house. The aerial view shows everyone else's pole barn in the back of the house. The proposed accessory structure would be in the front yard of the home to the North and to the South. With as much room in the back, why couldn't it be located in the back yard? (Answer: the location of the pole barn was for accessibility to the house. There are a lot of trees around the property and pretty hard to see the other houses in the area. The house to the South is angled in a way that the residents could see the pole barn either way whether in the front yard or back yard). The aesthetics is what is of concern.
- **NEWMAN:** it has been the experience of the Planning Commission, and with two (2) of the Planning Commission Members being licensed builders, that during construction the trees die and the soil changes; the Planning Commission not only thinks of what is currently on the property but how it will look when construction of the house, the garage, the landscape, septic field, etc after the project has been completed. **NEWMAN** had to remove about twenty-six (26) trees when he built his own house.
- **GENSHEIMER:** for six (6) months of the year, there isn't any foliage. (Answer: that was the reason for putting the house and pole barn so closed to the front. Mr. Coykendall was going to put the pole barn in the middle of the property and talked to the resident on the South East corner of the property and he (the resident) would not want Mr. Coykendall to go back any further on the property because Mr. Coykendall would literally be in the front yard of the neighbor. With the trees in the front on the West side, there was good coverage. Mr. Coykendall did not want to be in the front yard of any of the neighbors).
- **DOYLE:** the Planning Commission has to be concerned about what Mr. Coykendall is doing so that it would not create a situation for neighbors that would lower the value of their property. There is a possibility, that if Mr. Coykendall is set on putting his pole

barn in the front, to put a condition as to where there has to be “evergreen” trees or something similar that would make a barrier for site for the neighbors around the particular pole barn. The Planning Commission doesn’t know what type of trees are currently on the property. The condition would require certain trees and bushes to hide the pole barn. There is a lot of property and the neighbor to the South is set back quite a distance so whatever Mr. Coykendall does, he will be in front of the neighbor.

NO CORRESPONDENCE WAS RECEIVED.

7:20 P.M. – OPEN FOR AUDIENCE PARTICIPATION

1. **John Satterwhite, 7246 N. Seymour Road, Flushing MI** – “he is the neighbor to the West and in front of Mr. & Mrs. Coykendall; when the leaves are off, it is wide open through the property; 80% of the trees in the area die and when they are dead, he will be able to see the pole barn; don’t have any problem with the Planning Commissions decision. Mr. Satterwhite is very familiar with the property because the original forty (40) acres was his father-in-laws property. There is a big pole barn to the North. The water in the area drains to the South; there is a slight drainage ditch between the old driveway to the next door neighbor’s that goes to the back to the new neighbors property which is built up a little so the water runs to the front; a neighbor put drainage pipes under the driveway all the way to the road to take care of the water which drains toward the road; Mr. Satterwhite’s property is pretty sandy and the water table is high.”
2. **NEWMAN:** does Mr. Satterwhite have a septic system; is it an engineered? (Answer: no, it is a regular system and the water drains pretty good).

7:30 P.M. – CLOSED FOR AUDIENCE PARTICIPATION

- **DOYLE:** the main purpose for the Planning Commission is to make a decision that will not create a problem with the value of other properties in order to allow the pole barn to be constructed on the property. There will have to be a condition where foliage or something of that kind hides the pole barn.
- **GENSHEIMER:** is there anything that the Planning Commission can do, as a Commission, to camouflaugh a building of that size?
- **DOYLE:** “yes”, the Planning Commission can tell Mr. Coykendall that he has to have certain trees and things that remains green year round.
- **HINDS:** it would appear that no matter where Mr. Coykendall builds his pole barn someone is going to see it.
- **DOYLE:** the Planning Commission needs to concern themselves with the issue because if the pole barn is back further, the neighbors who are setting back further, will see the pole barn also.
- **HINDS :** a suggestion would be, as Mr. Doyle suggested, to plant some good heavy vegetation, big 6’ to 8’ Spruces and plant them so there would eventually be an affective screen on the two (2) adjoining sides of the building.
- **DOYLE:** there is enough room (20’) on the North and West side; if the area will not handle the heavy foliage, then the Planning Commission will recommend to move the

pole barn back further or there will be problems with the neighbors because it will still be in the neighbors' front yards.

- **GENSHEIMER:** if Mr. Coykendall moves the pole barn back further, it will conform to everything the Planning Commission has discussed and it will be behind his house.
- **HINDS:** then, there will be problems with the other neighbor having a clear view.
- **NEWMAN:** if it is behind, then he won't need the Planning Commissions approval because there isn't a principal structure on the property. **NEWMAN** mentioned *Section 20-1804(A), 1, (iii)*, "The accessory structure **SHALL** be screened from view of the roadway and adjacent lots. . ." which gives the Planning Commission the authority to make the approval contingent upon the placement; agrees with Mr. Hinds suggestion to make something substantial right away in fair number and size and which grows faster; it would be the best way to balance everyone's concern.
- **HINDS:** the trees can be staggered.
- **NEWMAN:** it will be similar to the Church, where a lot of us vote, with a checkerboard pattern with the pine trees along the West property line; the trees were planted in order to prevent the lights of the cars (at night events) shining their headlights into the houses which faced the street. The area can also be bermed to get better coverage.
- **FLOWERS:** there was another alternative to the pine trees issue and it was to move one hundred (100) feet to the East rather than stay on the property line.
- **DOYLE:** don't think the issue can be solved in twenty (20) feet; if staggering the trees, they should be planted to grow and get bigger, rather than grow into each other, the trees will need room to grow; the twenty (20) feet will be enough room for one (1) row of trees; to hide the building, you almost have to have two (2) rows of trees in order to stagger them and hide the pole barn which is what the Planning Commission is trying to accomplish and not interfere with the other property owners.
- **HINDS:** if everything was moved another ten (10) feet, that would be thirty (30) feet instead of twenty (20) feet and it looks like there is ample room to move the thirty (30) feet.
- **DOYLE:** there can be a double row of pine trees which are green all year long.
- **FLOWERS:** when he checked out the property site and checked out the survey stakes, he discovered the driveway sets five (5) feet onto the neighbor's property; the driveway should be moved into the thirty-three (33) feet right-of-way because the County requires five (5) feet off the edge off of the property line on both sides and to the road; the reason for the thirty-three (33) feet is so you can do the twenty (20) feet plus five (5) feet with more easement. Recommended the driveway be moved over in the thirty-three (33) feet right-of-way; the survey markers are in place. (Answer: Mr. Coykendall plans to move the drive to the middle of the thirty-three (33) feet; the drive was re-surveyed).
FLOWERS still not sold on the pole barn being up front; feels the barn should be in back of the house even though Mr. Coykendall is building up front of everyone else.
- **DOYLE:** if Mr. Coykendall puts the pole barn in back of his house, he doesn't need a permit; and if he doesn't need a permit, he doesn't need to worry about putting foliage around the pole barn to protect the other properties.
- **GENSHEIMER:** Mr. Coykendall still needs the permit if he plans to build the pole barn first before he builds his home.

NEWMAN MOVED, seconded by Hinds, to approve the application for the Discretionary Special Use Permit with the caveat that the setbacks be thirty (30) feet from the property line both to the North property line and the West property line, that the driveway entrance be correctly placed on their property, and that on the North and West side of the pole barn that staggered Spruce and White Pine trees in equalvent to at least six (6) feet in height be placed in a staggered pattern on the North and West side to shield the barn. (Staggered so the trees are overlapped).

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Doyle, Newman, Hinds, Gage, and Mills

NAYS: Gensheimer and Flowers

ABSENT: None

MOTION CARRIED

VI. PUBLIC COMMENTS:

7:45 P.M. – OPEN FOR PUBLIC COMMENTS

1. Raunay VanNofWick, Flushing Estates, 7416 Gillette Road, Flushing MI 48433

“Ms. Raunay VanNofWick (Ms. VanNofWick) stated that Flushing Estates would like to bring the front entrance sign up-to-date. The original letters have been vandalized and damaged. They would like to remove the letters with a total of four (4) walls and replace with one of the proposed signs that was created by Jacobs Signs, of Flushing MI, and presented to the Planning Commission; the proposed sign would be replaced with an 8’ long x 2’ wide sign which is smaller than the existing sign. The sign will be made of two (2) pieces of aluminum with a hard plastic sandwiched in between with vinyl letters that would last between eight (8) to ten (10) years. Jacobs Signs will install.

CONCLUSION: Ms. VanNofWick is trying to do is bring the sign up to date. The sign needs repair so it is not a discretionary use, only trying to bring the sign up to date. In order to get a special use permit, for a discretionary use as well as a non-discretionary use, a site plan is not needed, because they are only repairing an existing sign. IT WAS FELT BY THE PLANNING COMMISSION THAT FLUSHING ESTATES DIDN’T NEED THE PERMISSION OF THE PLANNING COMMISSION BECAUSE IT WAS ONLY A REPAIR. THE SIGN IS IN COMPLIANCE WITH THE SIGN ORDINANCE BY SHAPE AND SIZE. IT IS MERELY TAKING DOWN A VANDALIZED SIGN AND REPLACE WITH A MUCH NICER SIGN.

7:52 P.M. – CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

- 1. FLOWERS:** On Friday, October 23, 2015, there will be a meeting sponsored by the Genesee County Planning Commission. The time is 8:00 a.m. to 12:00 Noon and will be held at the Mass Transit Office on Dort Hwy/I-69. The cost is free.

2. **HINDS:** a proposed cell tower has been offered to the Flushing Township Nature Park; the offer has also been offered to private individuals in the area. A committee was formed to review the project.

VIII. MEETING SCHEDULE: NEXT REGULARLY SCHEDULED MEETING WILL BE MONDAY, OCTOBER 5, 2015 AT 7:00 P.M.

IX. ADJOURNMENT: CHAIR DOYLE adjourned the meeting at 8:05 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval