

2. Approval of 2007 Meeting Dates

FOTENAKES stated the proposed 2007 Zoning Board of Appeals Meetings dates were: January 9, 2007, May 1, 2007, September 4, 2007, and January 1, 2008. It was recommended to change January 1, 2008 to January 8, 2008, due to the Township office being closed on January 1, 2007. **FOTENAKES MOVED**, seconded by Vaughn to accept the dates as January 9, 2007, May 1, 2007, September 4, 2007 and January 8, 2008 for the Zoning Board of Appeals Meeting Dates. MOTION CARRIED.

3. Review and Discussion of Updates to Zoning Ordinance

(A) **FITCH** passed out zoning amendments to the Zoning Board of Appeals Members which consisted of:

1) Conditional Rezoning which is permitted through the State and is located under the *Special Use Section* of the Flushing Township Ordinances. The State statutes state the township should have provisions in the ordinances for *Conditional Rezoning*; not that the township should, but the township could if it desired.

It was decided, at the Planning Commission, that something should be placed in writing, in the ordinance in case someone came into the township with a request. **FITCH** stated the amendment would let the Commissions bargain with an individual for zoning; it would be a contract. Example: If an individual came into the township with a request to rezone a parcel of property to C-2 use. There would not be a problem with what the applicant requested to do with the property, but there might be a concern as to what else would be allowed on the C-2 property. The township could not approach the applicant but the individual could approach the township as a conditional zoning by bargaining with the township. **FITCH** stated it would be similar to a special use request. The *Conditional Rezoning* is presently in affect.

2) Requirement of a stake survey

FITCH stated the *stake survey ordinance* would be placed in the small black *Code of Ordinances* book; the ordinance had been recommendation by the Zoning Board of Appeals approximately a year and one half to two years ago. **FOTENAKES** stated there had been a first reading; a second reading would take place by the Board of Trustees at the next Board of Trustees Meeting. **HENNEKE** stated the purposed ordinance would protect everyone involved because there were so many people “assuming this or that” and the matter had turned out to not be correct.

3) 2006 Michigan Zoning Enabling Act (ZEA)

FITCH stated in the past there has been three (3) State laws that has given the township the authority to zone property and enforce the zoning ordinances. The State recently decided to consolidate the three (3) statutes into one law which has become the *Michigan Zoning Enabling Act*. The updates would put Flushing Township into compliance with the *2006 Michigan Zoning Enabling Act (ZEA)*.

FITCH stated the Planning Commission had met with Flushing Township Attorney Steve Moulton and Rowe Inc Planner Doug Piggott to review the new *ZEA* amendments. **FITCH** stated most of the changes involved notification of publications and was

currently in affect, because due to the new law, the publication had to be read once, published, and the amendment would take affect the date of publication.

FITCH stated one (1) provision of the *ZEA* provided for the Zoning Board of Appeals to have alternate members. The provision had been discussed at great length at one of the Planning Commission meetings, but it was decided to do nothing with the issue. If the Zoning Board of Appeals (ZBA) felt there needed to be alternates, the ZBA would go through the amendment process again and amend the issue. **HENNEKE** stated that at this point, there wasn't a need for an alternate because there wasn't that much business.

HENNEKE stated there were rules for Cities, Townships, and Counties. **FITCH** stated the township was governed by the Rural Planning and Zoning Act. **FITCH** stated the *ZEA* completely eliminated use variances; the township hasn't had use variances for ten (10) to fifteen (15) years. **HENNEKE** stated adjoining townships had to be notified of variance requests. **FITCH** stated one of the new issues was if there was a rezoning request, for example on M-13, the township had to personally notify each "occupant" in the other township who was personally involved in the requested matter. **HENNEKE** stated that public utilities had to be notified which also included airports. **HENNEKE** felt public utilities should be notified even if they didn't respond to the letters sent out because there might be an impact.

4) Article VII Section 20-702 Table of District Regulations

FITCH stated there had been an administrative change on *Article VII Section 20-702 Table of District Regulations* with the addition of Footnote (A) where the following addition was indicated by an asterisk:

"In the case of irregularly shaped lots, the minimum frontage may be measured at the front setback line, but the minimum lot area must be maintained."

SARKA inquired about the minimum square footage for the "Lot Area" of the RSA, RU-1, and RU-2 Zoning Districts. **FITCH** stated the minimum lot area should be 30,000 square foot; **FITCH** will check into the matter with **MORFORD**.

5) 2007 Regional Workshops

FOTENAKES stated the *2007 Regional Workshops*, sponsored by the Michigan Association of Planning would be held at the Flint, Holiday Inn Gateway Center on Thursday, March 8, 2007 from 5:00 p.m. to 9:00 p.m. **FOTENAKES** will bring the matter up at the next Board of Trustees Meeting for approval for attendance at the workshops.

VII. NEXT REGULAR SCHEDULED MEETING will be held on **TUESDAY, MAY 1, 2007 AT 7:30 P.M.**

VIII. ADJOURNMENT: FOTENAKES MOVED, seconded to adjourn at 8:06 p.m.
MOTION CARRIED.

EDWARD HENNEKE, Chair

KATHLEEN STRAUSS in the absence of
JULIA A. MORFORD, Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved

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