

CITY OF FLUSHING
APPLICATION FOR VARIANCE
ZONING BOARD OF APPEALS

Applicant: SIGMA NU AND DELTA CHI RHO ASSOC Phone: 810-938-6548

Address: 1570 FLUSHING RD City: FLUSHING State: MI

(1.) Address where variance is requested 1570 FLUSHING RD, FLUSHING, MI 48433

Being legally described as Part of Govt Lot 2 Beginning at E 1/4 post TH N 112.2 FT TH N 45 degree

38 min W 520.5 FT along C/L of Flushing Rd TH S 28 degree 46 min W 485 FT to NLY Bank of
Flint River TH Sely (along Bank of River to E line of SEC TH N 681 FT to POB.

Property is zoned: R1 Size of Parcel: 6.244 ACRES

55-36-200-034
(Parcel No.)

(2.) Name and address of every other person, firm or corporation having a legal or equitable interest in the property.

Name: RICK CAWTHRAY (Project MGR) Address: 12127 West PIERSON RD, Flushing, MI 48433
Phone: 810-938-6548

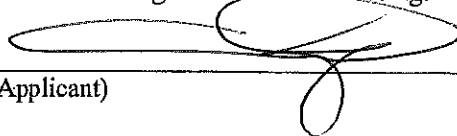
Name: KEVIN MARION (President) Address: 1940 LOCKHART BLVD, OAKLAND, MI 48363
Phone: 248-891-2868

(3.) This application is to request a variance from the Zoning Code section number 153.110B
These code section(s) cannot be strictly followed for the following reasons: (attach additional paper if required)

SEE ATTACHMENT #1

RECEIVED
JAN 02 2020
RECEIVED
JAN 07 2019
CITY OF FLUSHING
CITY OF FLUSHING

Attach to each application, 13 copies of a fully dimensional map at a scale of not less than 1" equals 20' identifying the land which would be affected by the variance and all abutting land within 300' and all public and private rights-of-way, and easements bounding and intersecting the land under consideration. All applications must be submitted 20 days prior to the Planning Commission meeting.


(Applicant)

TO BE COMPLETED BY CITY

Date received: _____ Tentative Date of Planning Commission Meeting: _____

Receipt number: _____ Tentative Date to schedule Public Hearing: _____

Tentative Date of Public Hearing: _____

Note: Meeting dates are subject to change.

ZONING BOARD OF APPEALS

153.1108 VARIANCES.

Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application to the following standards in a manner appropriate to the particular circumstances of such case.

A. Use Variances

In order to approve a variance in the permitted use of land, the applicant must demonstrate unnecessary hardship. To demonstrate unnecessary hardship, the Zoning Board of Appeals must find that all of the following standards have been met:

- (1) The property cannot be put to a reasonable use as currently zoned.
- (2) The problem is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
- (3) The proposed use will not alter the essential character of the area.
- (4) The problem is not self-created.
- (5) The spirit of the ordinance will be observed, public safety secured and substantial justice done if the variance is approved.

Please provide an answer to the following questions:

The property cannot be put to a reasonable use as currently zoned because:

SEE ATTACHMENT 1

What unique circumstances are particular to my property and not to general neighborhood conditions?

SEE ATTACHMENT 1

The essential character of the area will not be altered because:

SEE ATTACHMENT 1

The problem is not self-created. It was created by the following circumstances:

SEE ATTACHMENT 1

How will the spirit of the ordinance be observed, public safety secured and substantial justice done if the variance is approved?

SEE ATTACHMENT 1

ATTACHMENT 1

(Code 1989, & 153.1107)

Sec. 153.1108. – Variances.

Application for Appeals:

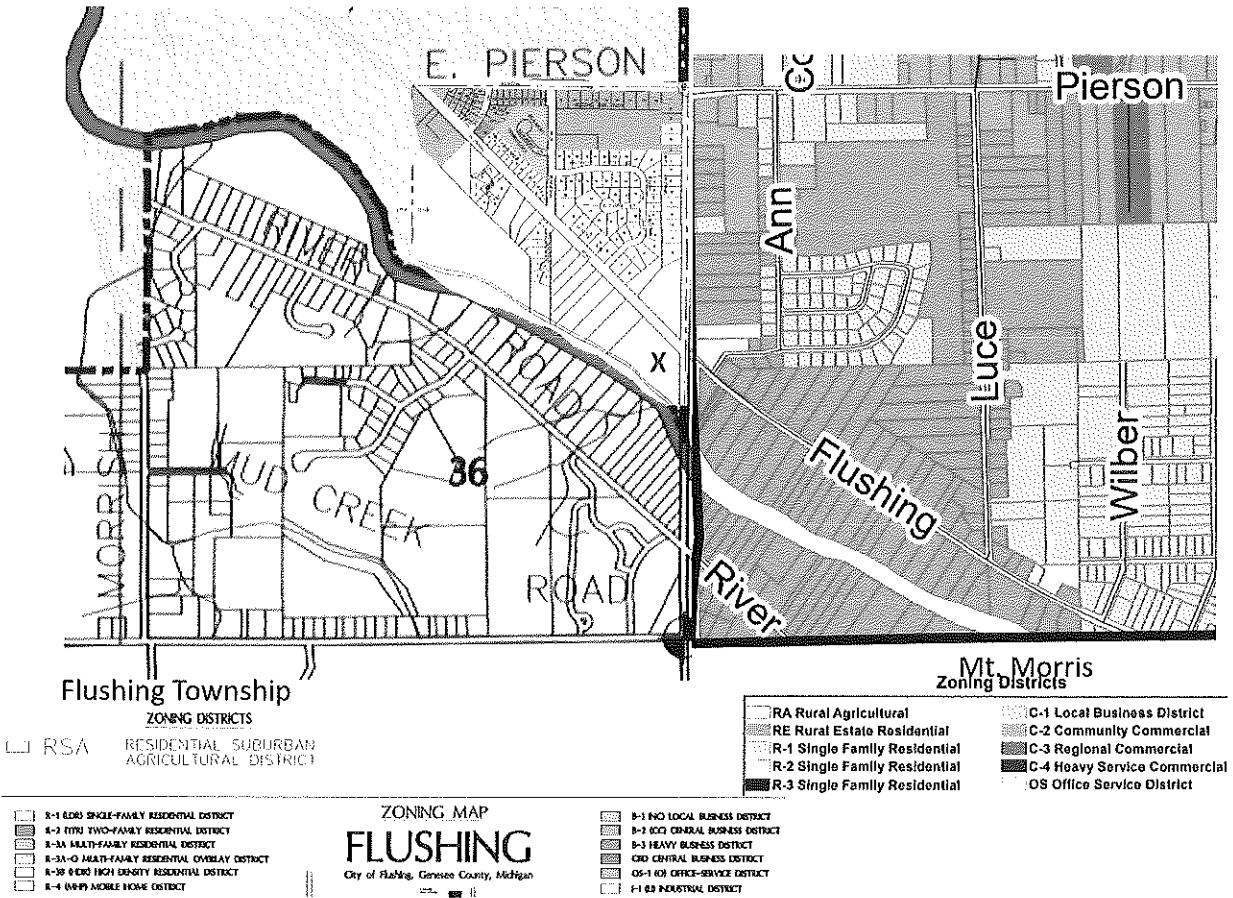
1. Property cannot be put to a reasonable use as currently zoned.
 - a. Pre-fire, the Sigma Nu Eta Mu property was a legal non-conforming use in a R1 zone.
 - b. Sigma Nu Eta Mu has resided at 1570 Flushing Road since 1956.
 - c. The City of Flushing re-zoned the property in the early 2000's to an R1 and did not notify Sigma Nu of the change.
 - d. Under the current ownership, SIGMA NU AND DELTA CHI RHO ASSC. the property is only useful as a residence for the Fraternity Brothers of Sigma Nu Eta Mu.

2. The problem is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 - a. Fire and associated damages that occurred November 22, 2017 (act of god)
 - b. The rear portion of the house was to be remediated for mold and rebuilt per direction of WJE Engineering Report. The remediation included removal of the siding, wall sheathing, insulation, windows, doors, subfloors, finished floors, interior demising walls, roof and associated framing and all floor joists with plumbing penetrations. During the dismantling, Rick Cawthray observed the 2nd story walls beginning to bow out indicating collapse was imminent. It was noted there were no collar ties on roof rafters which allowed the rafters to separate from the ridge board. The structure was evacuated and approximately ten minutes later it collapsed. If the signs of collapse were not recognized and immediately acted on, there would have been very serious injury , perhaps fatal, to those inside. Our recognition of the situation and immediate response saved life and limb that day. The resulting collapse made saving the rear portion of the house impossible. For our efforts in placing safety ahead of an Ordinance, we were issued a STOP WORK ORDER until the issue is resolved by the Planning Commission.
 - c. Only requesting 1570 Flushing to continue to be considered a 'multi-family' use in a R1 zone so as to continue operations as part of the Flushing community.
 - d. The surrounding Neighborhoods are currently an assortment of Zones on the borders of City of Flushing, Flushing Township, and Mt. Morris Township. The house is isolated from neighbors to the west (450 ft), the south (900 ft across the Flint River), East (550 ft) and the North (350 ft)
 - e. North – R1, South – RSA, North-east (MM) – (OS), East – (MM)-(RE)
 - i. *See attached map*

3. The proposed use will not alter the essential character.
 - a. The property use will be preserved to the same function it has long held since Sigma Nu Eta Mu purchased the property in 1956.
 - b. The new building will be more aesthetically pleasing and visually more welcoming than the previous building, which is important as the location is part of the entrance of Flushing.
 - i. *See attached image renderings*
4. The problem is not self-created.
 - a. This is a result of fire and associated damages that occurred November 22, 2017 (act of god). As noted in (2a) above, the collapse of the rear structure during demo caused this problem.
5. The spirit of the ordinance will be observed, public safety secured and substantial justice done if the variance is approved.
 - a. The approved plans and code requirements for the new building are that of a multi-tenant use.
 - b. The updated premises will be constructed to all current codes. They include: Mechanical, Electrical, including a standby generator , Plumbing, including a full NFPA fire sprinkler system, handicap/ADA Code, Energy Code, Life Safety Code which covers all egress/exiting issues. With current state of the art building systems incorporated , Sigma Nu will offer all future occupants a safe and healthy living environment .

Zoning Map:

Overlay of Flushing Township, City of Flushing, and Mt. Morris



ZONING MAP FLUSHING

City of Flushing, Genesee County, Michigan

New House Renderings:

