

**THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS**

January 23, 2013

On January 23, 2013, a regular meeting of the Chesterfield Township Zoning Board of Appeals was held at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. **CALL TO ORDER:** Chairman Stepnak called the meeting to order at 7:00p.m.

2. **ROLL CALL:** Present: Marvin Stepnak, Chairman
James Klonowski, Vice-Chairman
Thomas Yaschen, Secretary
Hank Anderson, Township Board liaison
Carl Leonard, Planning Commission liaison
Wendy Jones
Patrick Militello

Mr. Shortt attended the meeting as the representative of the Building Department.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2013-01: Pietro Melia, 34131 Jerome, Chesterfield, MI 48047. Requesting a 17' 9" rear yard setback variance and to waive the required 10' minimum between structures for a proposed pool & shed at the address stated above. Tabled 11-28-12.**

Motion by Mr. Leonard to remove Petition # 2012-38 off the Table.

Supported by Chairman Stepnak

Ayes: All

Nays: None

Motion Granted

Chairman Stepnak mentioned that the board had some concerns about dimensions changing and things of that nature and the petition was tabled on 11-28-12. At that time, the petitioner had been directed to meet with Mr. Shawn Shortt of the Building

Department. He asked Mr. Shortt if he had met with the petitioner and he could give the board some type of input on the request?

Mr. Shortt asked the board members if they had received the revised drawing from the petitioner?

Petitioner stated that he gave the revision to Planning and he had copies to give to the board members.

Chairman Stepnak directed the petitioner to give the board the copies of the revised plans.

Mr. Shortt mentioned that if the board approved the variance the petitioner would still need an easement encroachment, so he went to the DPW the previous day and discussed the matter with the Superintendent. He asked if the petitioner would be able to put three feet of concrete and encroach on the easement. The Superintendent stated that there was a 54" storm sewer in the back over there and there in an 11 to 12 foot area and they would need the whole easement if they have to access that pipe back there. However, he sounded receptive to the concrete encroachment providing the petitioner sign a letter stating that it would be his responsibility.

Petitioner agreed that he would be willing to sign the letter accepting responsibility. He made some additional comments that were inaudible.

Chairman Stepnak brought up the issue that the petition being presented was actually a greater variance than the one that was originally filed and brought before the board. He asked Mr. Shortt if that was correct?

Mr. Shortt answered that the petitioner now wants 7' from the patio to the water's edge. He asked the petitioner how far that would excavate out?

Petitioner answered that the pool companies that it would be virtually nothing, maybe 6" to a foot.

Mr. Leonard asked if that was why the rendering showed 6' to the outside and 7' to the water's edge.

Petitioner replied yes.

Mr. Shortt stated that the excavation would be 6' to the covered patio. He asked the petitioner what about the spa?

Petitioner stated that the spa would also be 6' to the outside and 7' to the water's edge.

Mr. Shortt stated then it would be 2' on the south side from the concrete to the property line, he asked the petitioner if that was correct?

Petitioner answered yes and there would be a 5" swale from the edge to the property line.

Mr. Shortt asked if the petitioner knew that the sump lines would be running right into the pool and he asked where he planned to put that?

Petitioner replied that it would be run under the concrete.

Mr. Leonard mentioned that he did not see a dimension on the side with the 2'.

Mr. Shortt stated that is what the petitioner is stating that it would be 2' with concrete to the property line.

Mr. Leonard stated that should be written in there because that is not indicated on the plans.

Mr. Shortt mentioned that was where the sump discharge would be going.

Petitioner made some comments that were inaudible.

Mr. Shortt verified that the sump discharge would be run along with the electric.

Petitioner answered yes it would have to be done that way and the power line would have to be placed down deeper.

Mr. Shortt stated that there would be a 13' easement on the shed side and that would be right on that easement.

Petitioner commented that if that would be a problem he could move that one foot further off of the easement.

Mr. Shortt agreed that if the petitioner could move it one foot off the easement that would definitely be a good idea. He mentioned that he still had a problem with that six foot excavation to excavation because the rear of the house was excavated because there is a basement under the house. He asked the petitioner if that was correct?

Petitioner replied not under the patio.

Mr. Shortt commented he understood that and again asked if there was a basement under the house?

Petitioner answered that the home did have a basement. He stated that the pool wall was not like a basement wall. They would be pouring a solid 12" wall that will be reinforced with steel.

Mr. Shortt asked if the petitioner was putting in a gunite pool?

Petitioner stated that he had not decided yet and wanted to get all of this out of the way first.

Mr. Shortt stated so it would not be an insert that would be dropped in.

Petitioner stated that he could do fiberglass.

Mr. Leonard stated so the petitioner has not even picked out a specific pool as of yet and the 12" of concrete may not even apply to this.

Petitioner stated that it really did not matter which pool he chose because the ground around the pool.

Chairman Stepnak stated that generally the Building Department would require 10' from a pool to the home. He asked how far the petitioner would be from his neighbor's basement?

Petitioner answered about 20 to 25 feet.

Chairman Stepnak asked the distance from his neighbor's house on that side?

Petitioner stated that the house was 15' from the property line.

Chairman Stepnak asked how far the pool would be from the property line?

Petitioner replied 5'.

Chairman Stepnak stated so the pool would be 20' from the neighbor's basement.

Mr. Shortt questioned the petitioner about why he wouldn't put the spa on the side of the pool?

Petitioner stated that was the original spot, but this set up was from the fiberglass contractor.

Chairman Stepnak stated that the problem he was having that evening was the same problem they had at the last meeting a month ago. The board is sitting here and they are redesigning it. They are talking gunite, or fiberglass, excavation questions. He stated that the board directed the petitioner to sit with Mr. Shawn Shortt and come up with a suitable plan that everyone would agree upon. Now they are discussing materials and the different setbacks with dimensions that are left off of the sketch. He asked other board members for comments on the petition.

Mr. Leonard stated that the petitioner and the board have been waffling all over the place.

Chairman Stepnak stated that it was not up to the ZBA to design the plan and he has a serious problem with that.

Mr. Militello agreed that there were too many inconsistencies from the first plans to the present.

Mr. Yaschen stated that everything has been changing minute by minute and everything should have been spelled out and it should not be that way.

Mr. Klonowski agreed with the other board members and he also was of the opinion that this was an overbuild for the property.

Wendy agreed with Mr. Klonowski that the plans just seem to be getting bigger.

Mr. Anderson stated that as the new person on the board he agrees with the other board members that the gentleman comes in with a plan with too many questions that have been coming up.

Chairman Stepnak stated that it seemed as though this plan is a greater request than was originally submitted and now the request may need to be republished in the paper so the petitioner's neighbors are aware of the change to the plans. He explained to the petitioner that he did not want to seem like he was giving the petitioner a run around, but he does not feel that he was not looking at something he could approve that evening.

Petitioner stated that the board has to understand that 40% of his lot is easement.

Chairman Stepnak stated that he understood that and the board is willing to work with the petitioner, however, the petitioner needs to present a workable plan. He stated that Mr. Shortt can sit down with the petitioner and come up with a workable plan.

Petitioner stated that every time he goes to see Mr. Shortt, Shawn is busy.

Chairman Stepnak stated that at this time the board is almost back where they were at the last meeting because everything is changing from the drawings and they do not know what they are doing and they cannot approve the plan as it stands.

Petitioner asked what the board would need to approve the variance?

Chairman Stepnak stated that the petitioner needs to present a logical plan that the board will understand and he must know the materials that are being used for the plan and review it with Mr. Shortt and make sure it goes to Janice in Planning and Zoning before presenting it to the board. He stated that the petitioner may have to discuss with Ms. Giese what may be required in the event that the petition needs to be republished in the newspaper.

Mr. Leonard commented that he was not trying to be difficult but as long as he has been on the Zoning Board and when they get into the position to approve a plan, the petitioner has to provide the board with what color shingles, siding or what type of pool that is to be used. The board needs to know what is going on and in this case they cannot seem to pin it down. He advised the petitioner to get specific prices and choices and know what he wants and it will go a lot better.

Petitioner made some comments that were inaudible.

Mr. Leonard stated that it did not matter what the contractor tells the petitioner about what can be done in other communities. The contractor's part is to understand what is allowable in Chesterfield and give the petitioner advice.

Motion by Chairman Stepnak to Table Petitioner # 2012-38 to the meeting on February 27, 2013. The petitioner has been instructed to meet with the Building Department and meet with Planning and Zoning and to submit a reasonable plan without any changes so the board would know what they are considering at that meeting.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

5. **ZBA PETITION #2013-01: Richard Urban, 33005 Sutton, Chesterfield, MI., 48047**
Requesting variance to add on to a garage on a lot less than 90 feet wide located at above address.

Petitioner stated that he was requesting to add on to his existing garage. He stated that he lives on a parcel that is more than an acre; however, it is less than the required 90 feet wide.

Mr. Militello asked the petitioner if any of his neighbors had an issue with the structure going out that much farther?

Petitioner answered no and actually his neighbors all signed paperwork stating that they did not have a problem with the addition. He stated that his home has a unique look and he planned to add a gable on the front and on the side so the house is aesthetically pleasing and looks as though it was originally built that way. The petitioner made some additional comments that were inaudible.

Mr. Militello asked if the petitioner planned to have double doors on the garage?

Petitioner answered yes.

Ms. Jones stated that she went out to the site and she thought the plans looked good. She verified that in Chesterfield the ordinance states a three-car garage at 920 square feet.

Mr. Klonowski asked the size of the proposed garage?

Petitioner replied that it was less than 1200 square feet.

Mr. Leonard stated that the garage would be 1192 square feet.

Mr. Klonowski explained that if the petitioner has a ½ acre lot, those lots need to meet the area requirement. He stated that this would not meet the width requirement which would be 90' shall be held to standards in sub paragraph a. Which states that "one accessory building, whether attached or detached shall be permitted for each lot within a platted subdivision or on residential parcel of more than ½ acre and less than or equal to one acre and having a minimum frontage of 90'". He continued that "in no case shall such building be designed to house more than three cars nor shall it exceed 920 square feet." He explained that was why Ms. Jones referred to 920 square feet and that would be the allowance because of the width of the lot. Therefore, the petitioner is asking for a variance of 272'.

Petitioner stated that he was asking for the variance so he would be able to store his boat in the garage along with his car, lawn equipment, snow blower, and lawn furniture. He made some additional comments that were inaudible.

Mr. Klonowski thought about if the petitioner could put an accessory building at the back of the property, however, with the Salt River running through the petitioner is losing about 25 % of his lot.

Petitioner thought an additional accessory building back there would not look as nice as just putting the addition to his existing garage.

Mr. Klonowski commented that the petitioner also has a flood plain area that goes back be the house so it would not be logical to put an accessory building back there. He then asked about the debris pile that was indicated on the plans.

Petitioner stated that the debris pile was not there any more.

Mr. Leonard asked the petitioner if he has a basement in the house.

Petitioner stated that he had a Michigan basement which is only a few feet tall and he cannot fit very much in that area.

Mr. Leonard stated so it more like a large crawl space.

Petitioner replied exactly.

Mr. Leonard noticed that the petitioner indicated on the paperwork that he had no sheds or other out buildings on the property. He asked that if the petitioner was granted the variance, would he ever plan to put any other buildings up.

Petitioner answered no.

Mr. Leonard verified so there would not be any sheds.

Petitioner stated that he did not want a shed on his property.

Mr. Leonard stated based on the wetlands, the petitioner may have some issues anyway with putting up a shed. He asked if the neighbors to the left are on the petition that was signed by the neighbors indicating they had no problem with the addition.

Petitioner answered yes that would be Grace and Joel Gibb at 32985 Sutton and Mary Simasko at 32995 Sutton; and they both signed.

Chairman Stepnak stated that the petition was published in the newspaper and all those neighbors on Sutton signed that they did not have a problem with the variance.

Mr. Leonard stated that the addition to the front would probably be the best option and from the road it would not even be noticeable. He asked if the petitioner would be using the same materials that were used on the existing structure. In other words will the bricks and shingles match the rest of the home?

Petitioner answered that he had already found bricks that match the ones on his home and since the roof is not that old, he is pretty certain he can locate the same shingles for the roof. He mentioned that since he does not have a usable basement he planned put in attic trusses so he will have a little bit of storage on the top.

Mr. Leonard verified that the petitioner did not want to put any livable space in the attic garage?

Petitioner replied no, that he lived alone and just wanted storage space in the garage attic.

Mr. Shortt stated that the petitioner has probably been notified that he is in a flood zone now.

Petitioner stated that he has a certificate that states he is not in a flood zone and does not need to have flood insurance.

Mr. Shortt asked the petitioner to supply him with a copy of that certificate because they have revised the flood plain.

Petitioner stated that he would bring it into the Building Department.

Mr. Shortt stated that it would probably be at or above the base flood anyway. He asked where the drainage would pitch to?

Petitioner replied that he would probably pitch it to Sutton.

Mr. Shortt asked if the petitioner had a ditch at the front?

Petitioner answered yes.

Mr. Shortt asked if there was a catch basin?

Petitioner replied he was not sure.

Chairman Stepnak stated that those concerns would be something that can be handled in the building stage

Chairman Stepnak explained that the petitioner would be responsible to maintain his property and provide the proper drainage. He stated that basically the board would just be concerned about the variance to allow the addition to the structure. He asked if the Building Department has a problem with the board granting the variance?

Mr. Shortt stated that he did not have a problem with it.

There were no Public Comments.

Chairman Stepnak mentioned that, as Mr. Leonard previously mentioned, the petitioner provided a letter signed by a number of his neighbors that stated they did not have a problem with the addition to the structure. He stated that the signed letter would be retained for the ZBA records.

Mr. Klonowski asked if the door the petitioner would be adding was a solid 16' door?

Petitioner answered yes.

Mr. Klonowski mentioned that the ordinance would only allow an additional 9' door.

Mr. Leonard explained that the two double doors cannot face the road, however, in this case the two double doors would actually be on two different elevations and the board actually approved another one like this on waterfront property. He stated that it would look fine because of the different elevations.

Motion by Mr. Klonowski to approve Petition # 2013-1. He stated that the accessory building would be in the rear yard because of Salt River. He mentioned that there were flood plain issues at the back of the property which would be considered the front yard.

Supported by Mr. Anderson

Mr. Leonard added that the petitioner stated that he would not add any other shed or out-buildings on the property.

Mr. Klonowski agreed with the addition to the motion.

Mr. Anderson continued support.

Ayes: All

Nays: None

Motion Granted

6. OLD BUSINESS:

Mr. Leonard mentioned that the board could get new photo identification cards at the Police Department.

Mr. Yaschen mentioned that he went last month to get his picture taken and was informed the machine was broken. So he suggested calling first.

Mr. Leonard added that the board member should make sure that they know the expiration date of their commission because that is a requirement for the card.

7. **NEW BUSINESS:**

Chairman Stepnak welcomed Trustee Hank Anderson as the Township Board liaison to the Zoning Board of Appeals.

8. **APPROVAL OF MINUTES FROM PRIOR MEETING:**

Motion by Chairman Stepnak to approve the ZBA minutes from the November 28, 2012 meeting.

Supported by Mr. Anderson

Ayes: All

Nays: None

Motion Granted

9. **COMMENTS FROM THE FLOOR:**

There were no comments from the floor.

10. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:53 PM.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary