

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

April 24, 2013

On April 24, 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. Representative from ZBA Petition #2012:38 was not present and he decided to move it to the end of the agenda.

4. **ZBA PETITION #2013-03:** Emerald Ridge Farms, 49495 Gratiot, Chesterfield, MI 48051. Requesting a variance from ordinance 76-213 (3) J and 76-332 (C) on proposed horse farm at the northeast side of New Haven Road, between I-94 and 26 Mile Road.

Richard Schaller, 35152 Jeffers Court, Harrison Twp., MI addressed the board.

Petitioner stated that he was the owner of Emerald Ridge Farms and he was there seeking two variances on his project. He explained that the letter states five variances; however he was informed that the first three of the variances in paperwork would be addressed by the Township board. Therefore, the first variance he was requesting would be for parking spots. The ordinance states that they would be required to have one parking space per horse stall which would be excessive in this case. He stated that the second ordinance he was requesting would be for the number of horses allowed on the site.

He stated that this would be an active riding barn and the owners would only be there to exercise their horses and in that type of facility the horses go out more for their mental health than for sustaining their life cycle by grazing. The horses would only be out of their stalls for about 6 to 8 hours per day. The horses will be fed in the morning and the afternoon and will get more calories in the barn than out in the pasture. With that in mind having only one horse per acre would really be restrictive. All the horse would need be a place to run for a few minutes, be a herd and graze for a little bit. Other barns in Macomb County have about 5 horses per acre. For example at another active riding barn, Windemere Farms in Macomb Township they have about 40 horses on only 10 acres. He stated that he would like to house about 60 horses on 38 acres and that would be less than 2 horses per acre which would fit the model of a sustainable active riding barn. The other variance which would be for parking would also be excessive in this case because the farm would be like a dog kennel. The horses are there to live and the owners only come to the barn to ride their horses. The only place they can ride is at the indoor arena and the outdoor arena and there can only be so many horses in the arenas at the same time because it would be too dangerous. So typically, speaking if there would be six horses in an arena at one time it is very crowded. So the maximum riders they would have at the barn at one time would be 12, 6 at the indoor arena and 6 at the outdoor arena. Therefore, they looked at the ordinance and saw that a kennel was required to have one parking spot for 5 kennels which would be pretty on par with what would be required for the horse barn. He stated that if people have lessons, that would be very time constrictive because they come for the lessons at a scheduled time. Furthermore, during the summer everyone wants to ride in the outdoor arena and during the winter everyone wants to be inside. So there would really be a limited number of people using the facility at the same time. He reiterated that one parking space per stall would be excessive. He commented that he has never seen that many cars parked at any horse farm at one time, unless it would be for a show, and they would not be putting on any shows at their facility.

Mr. Klonowski mentioned the variance for the sidewalks.

Petitioner stated that he was under the impression that aspect would be handled by the Township Board.

Mr. Klonowski mentioned that he had no problem with that one because that was a rural area. He stated that with regard to parking, he knew that the ordinance required hard surfaces and he knew that the horses do not react well to hard surfaces. He mentioned that he lived across from Thornwood Farms years ago and there were rarely a large number of people or cars at the facility at one time. Therefore, he has no problem with the parking variance. He stated further that one family might have several horses at the facility and for the most part the family will come out to the facility in one car. He stated that the detention pond at the front of the facility would be a fire concern and he asked if that would be lined?

Petitioner answer was not audible

Mr. Klonowski stated that if the detention pond would be for fire protection is not lined the water could percolate into the soil and when needed the water may not be there.

Bill Thompson, Lehner and Associates, 17 19 Mile Road, Suite 3, Clinton Township, MI 48039 addressed the board.

Mr. Thompson stated that the soil in that area is very heavy clay and the pond would probably be supplemented and not just be from water run-off.

Chairman Stepnak stated that the detention pond would really be an engineering concern and they would address that aspect of the plans.

Mr. Klonowski stated that he found that many times a large amount of water tends to percolate down and run off to the adjacent properties and the would be of some concern. He asked how much water depth would be in the detention pond?

Mr. Thompson stated that it would be a maximum of 12 to 14 feet deep.

Mr. Klonowski added that there could also be low water levels if there were a dry period.

Mr. Thompson stated that the detention pond would hold about 4 to 5 times what would normally be there and the water would not outlet to the ditch unless there are two large storms back to back. All the water that comes in the basin would stay there

Mr. Klonowski stated that regarding the number of animal at the site, he found that many times when ordinances are set up with the vision of the Township being fully developed with subdivisions. He thought that was what was in mind with the ordinance of one horse per acre. He stated that this was more of a rural setting and when looking at the surrounding properties with the low lands to the north and with the Salt River at the back end, there would not be a lot of room there for development. He mentioned that at the park is at the north east and that there wouldn't be any impact on the surrounding community. In his opinion, the variance for the number of horses is reasonable. He added that they have dealt with other ranches and the ordinance does not really fit the situation. He stated that he would be in favor of granting the requested variances.

Ms. Jones had no comments.

Mr. Yaschen had a question about the amount of horses, but Mr. Klonowski covered that and his question was answered.

Mr. Militello had no questions.

Mr. Leonard stated that there would only be about 12 horses out at a time, 6 at inside arena and 6 at the outside arena.

Petitioner verified that was correct.

Mr. Leonard asked what about the rest of the property? Would people be riding on the other part of the acreage?

Petitioner answered no. The rest of the property would be paddocks where the horses go during the day. There would actually be about 30 acres of paddocks.

Mr. Leonard asked so if 20 people show up to ride what would be done? He asked if the owners would have to reserve a spot?

Petitioner replied no. He stated that most of the time a person would come in and if there are five or six horses out in the arena, they would most likely decide not to ride at that time. He explained that if there are more than 5 or six horses out in the arena at one time it would not be very much fun.

Mr. Leonard asked so it would be at the owner's discretion as to whether they exercise their horse that day or choose to come back?

Petitioner answered yes it would be up to the owner's discretion.

Mr. Leonard stated that the petitioner mentioned riding lessons. He asked whether the lessons would be strictly for the horse owners or would they be offered to the public?

Petitioner answered that the vast majority of the riding lessons would be to the people who ride their horses. However, they would offer schooling lessons for people who want to learn to ride and do not own a horse and the lessons would only be offered by appointment only. He stated that during lesson times the barn would be closed because they want a controlled situation. There will be times assigned strictly for schooling lessons.

Mr. Leonard asked if the lessons would be a group type of thing?

Petitioner answered yes.

Mr. Leonard asked where the students would be learning to ride, only in the arena?

Petitioner replied yes because the arena is the only safe spot for riding.

Mr. Leonard asked if there was any other time when people would be able to ride around the property?

Petitioner answered no. They would only be offering lessons on English riding for dressage, hunter and jumper. They would not be giving Western riding lessons with trails and paths. The majority of the space would be made up of paddocks for the horses to just stay outside. They were also thinking of offering therapeutic riding which would be done in the morning and again that would also be done in the arena. Regardless, when lessons are being conducted, the trainers do not really want any one else riding around because in essence the people paying for the lessons are paying for that time and attention.

Mr. Thompson mentioned that there were actually going to be 22 parking spaces at the facility.

Mr. Leonard brought up the detention pond and stated that it was mentioned that the ground there was all clay. He asked Mr. Shortt is there was any way to that the ground could be hard packed to make sure it will hold water?

Mr. Shortt answered that the whole area will all be engineered out and they would get together with Bill Thompson.

Mr. Leonard commented so if there are any areas that would have pockets of sand it would be taken care of to make sure the detention pond holds the water.

Chairman Stepnak stated that the detention pond would be up to the Township Engineers because they are the ones who would have to do the sample borings and the board does not really have the expertise to deal with that issue.

Mr. Anderson asked the total number of horses that would be on the property?

Petitioner answered a total of 60 maximum. He stated that the barn was designed for 54 to 56 horses continuously, but under some circumstances for people either buying or selling their horse, they do need some extra room to deal with that.

Mr. Shortt asked if the rooms would be heated with bathrooms?

Petitioner answered that the rooms would be heated and cooled and there would be restrooms on the premises for the families. However, the area for the barn for the horses would be well insulated but not heated or cooled for cost and the health of the horses. He explained that if the horses are kept out of the wind, they are big animals and they can take the cold. He explained that it is actually quite bad for horses to go from warm to cold to warm.

Mr. Shortt asked if owners come in with their horse trailers, would there be room to put the trailers in an area?

Petitioner stated yes there would be an area in back of the barn for trailers. He mentioned because this is not going to be a showing barn, but an active barn, typically people use trailers to move their horses from the facility to a show and then back. Therefore, the horses would be staying at the site except when going to shows and back from a show. So in general, people would not be bringing their horse in for the day to ride and then leaving with the horse.

Mr. Shortt asked if someone came in off the street and wanted their kid to go for a ride, the facility would not offer something like that?

Petitioner answered no. If someone wants to learn to ride they would have to make an appointment for a lesson with a trainer teaching the child to ride the horse, and they would be using the barn's horses at that time. So they would not be bringing in horses for people to take lessons. Any horses at their facility must undergo an exam and must receive all the necessary vaccines and all that paperwork must arrive at the facility before the horse is allowed on the property.

Chairman Stepnak asked how close the Farm would be to any residential areas?

Petitioner answered that that there was a residential area about a quarter mile from the farm and the Salt River further separates the properties.

Chairman Stepnak stated that personally he thought this was a good use of this property in the community. The area would stay rural with nature and the trees would be in place. He knows that the ordinance stated so many horses per acre, however, but he believes that this horse farm has the type of clientele that would not be there all the time and would use the facility in a professional manner. So, he thought the ordinance was in place because the Township does not want a horse farm next to a subdivision. He stated that furthermore as far as parking spaces, the owners would most likely be coming in sporadically and he thought the 22 parking spaces would be adequate for this use. He commented that the board could recommend that the sidewalk requirement be waived because of the rural location of the property. He mentioned that as far as the detention pond, he would leave that up to the Township Engineers as far as the depth, the surrounding area and water run-off. He realizes this would be a concern for the Fire Department and would be an issue for that region, but that would be out of this Board's area of expertise.

Mr. Thompson stated that the reason for putting the detention pond at the front of the property would be so the water would be more accessible to the Fire Department.

Chairman Stepnak asked so basically the petitioner has had discussions about the pond with the Fire Department already?

Petitioner replied yes and that was why the pond would be located at the front of the gate.

Mr. Shortt asked if the fencing would be along the whole property?

Petitioner stated that fencing would be along the front of the property and then typically it would be a hotwire or hot tape to keep the horses on the property. He stated that once the horses realize what it is they will not come close to it.

Mr. Shortt mentioned that the Building Department had no problem with either variance.

Mr. Klonowski asked when the facility would be open?

Petitioner answered as soon as they are done with this process and everything is approved they can get their building permits. He stated that they plan to get the Barn up as soon as possible and move very quickly on the project.

Mr. Klonowski suggested that the petitioner look into some type of tile drainage.

Petitioner stated that the previous owners did the tile drainage on the property.

Mr. Klonowski commented that the property was not professionally tiled.

Petitioner stated that he would look into it.

Motion to approve Petition # 2013-3. He stated that the farm will be within character of the surrounding properties, and would cause minimum impact to the area. He stated that the variances for the sidewalk, the detention pond, the parking were all reasonable.

Supported by Mr. Leonard

Chairman Stepnak commented that the board would recommend that sidewalks not be required for the property. He mentioned that the detention pond in the front yard due to Fire Department recommendations would be subject to engineering specs and the petitioner would be required to go in front of the Township Engineer on that matter and according to their specifications. The board would be alleviating the amount of parking spaces required and also approving the variance to alleviate the stipulation of one acre per horse. The board feels that that requirement is excessive due to the rural nature and the usage of the property.

Mr. Klonowski approved the additional comments to the motion.

Mr. Leonard continued support.

Ayes: All

Nays: None

Motion Granted

5. **ZBA PETITION #2013-04**: Joseph Sikorski, 50013 Dove Lane, Chesterfield, MI 48051. Requesting a variance for pool placement on side of home located at the above stated address.

Joseph Sikorski, 50013 Dove Lane, Chesterfield, MI 48051 addressed the board.

Petitioner stated that he wanted to put a pool on his property at the side of his home. He explained that he could not put a pool at the rear of his lot because there was a 20' sanitary easement back there. He stated that the minimum requirement for the pool would be 10' away from his home and that would only leave him with two feet of workable area to place a pool. He lives on a pie-shaped lot on a cul-de-sac and by placing his pool at the side of his property he would not be impeding on any easements. He stated that he did have one small change from the original plans and that would be instead of a 15' x 24' they would like to put in a 15' x 30 size pool.

Chairman Stepnak asked the petitioner if he had a copy of the new plans for each of the board members.

Petitioner stated that he had only one copy of the new plan.

Chairman Stepnak asked him to bring it up to the board and they could pass it around.

Mr. Anderson had no questions.

Mr. Leonard had no questions at that time. He commented that the lot was not that deep because of the pie-shape of the property.

Mr. Militello asked if the petitioner planned to put a fence just around the pool with a gate?

Petitioner answered yes because he has two small children. He stated that he already has an existing privacy fence around the property.

Mr. Militello verified so the petitioner just wanted to put a fence around the pool for safety.

Petitioner stated absolutely. He and his wife did not want their children to go in the back yard and go into the pool without one of them unlocking the gate and supervising them.

Mr. Klonowski verified that the petitioner would be putting a fence around the pool?

Petitioner answered yes they already have an existing privacy fence around the property.

Mr. Klonowski stated that what he was looking at the plans and the pool would be 2' from the easement so the fence would be very close to the easement.

Petitioner agreed that the fence would actually be placed on the easement and it would box in the entire pool area.

Mr. Klonowski asked Mr. Shortt if there would be a problem with locating the fence on the easement?

Mr. Shortt replied that people are allowed to put fences on easements.

Mr. Yaschen had no questions.

Chairman Stepnak asked Mr. Shortt if he could foresee any problems with the variance because of the additional size requested that evening?

Mr. Shortt answered no. He stated that there is a catch basin on that plot plan. He stated that all the soil would have to be leveled and removed from the site. He asked about the privacy fence?

Petitioner stated that he had a privacy fence around the property.

Mr. Shortt commented that it was a little fence.

Petitioner explained that he planned to put in a little taller fence to enclose the area a little bit more.

Mr. Shortt mentioned that they would not even need a fence if the pool was 48" above grade.

Petitioner stated that the pool was going 48" in-ground so they definitely want to go with a fence.

Mr. Shortt stated that the Building Department does not have a problem with it

Chairman Stepnak asked at this point if the petitioner planned to build a deck or pimp-out the back yard or anything like that?

Petitioner answered no he did not want anything else. He just wanted a pool in his backyard for his family to enjoy.

Chairman Stepnak explained that sometimes people come in and want a pool, a deck, a hot tub and everything else. He stated that looking at the area and the lay out of the subdivision, the petitioner has a weird-shaped lot and he does not have a problem with him using it.

Mr. Shortt asked if it would be an in-ground pool?

Petitioner answered yes.

Mr. Shortt stated that the petitioner would have a whole lot of dirt.

Petitioner stated that he would have the dirt trucked off the property and he would not be changing the grade of his property.

Mr. Leonard asked if the petitioner planned to put in a fiberglass pool or would it be a liner?

Petitioner stated that it would be a liner pool.

Motion by Chairman Stepnak to approve Petition #2013-4. He stated that the petitioner proved a practical difficulty because of the shape and dimensions of the lot. He stated that the approval of the variance did not deviate from the intent and the requirements of the ordinance. He does have adequate room in his side yard to construct the pool. He added that the petitioner has agreed that he would not change the grade level and that all the excavated dirt would be removed from the property.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

6. **OLD BUSINESS: ZBA PETITION #2012-38:** Pietro Melia, 34131 Jerome, Chesterfield, MI 48047. Requesting a variance to be closer than required 10' from house for a pool and shed at the above stated address. Tabled on January 23, 2013.

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

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

Chairman Stepnak stated that since the petitioner did not attend the meeting they would table the petition.

Motion by Chairman Stepnak to Table Petition #2012-38 to the May 8, 2013 meeting.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

7. NEW BUSINESS:

Chairman Stepnak asked who in the Township was responsible for policing green charitable collection boxes located at various locations in Chesterfield.

Mr. Shortt stated that it was Mr. St. Germaine who would have to look into that problem.

Ms. Jones mentioned that people are putting items in bags around the boxes and that maybe the boxes are getting full and no one is emptying them.

Chairman Stepnak stated that someone should be monitoring the boxes because who knows what is in them.

Mr. Shortt stated that maybe these people should be required to get temporary variances from the ZBA for the boxes. He mentioned that he would look into the matter.

8. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the 1/23/13 ZBA meeting.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

9. COMMENTS FROM THE FLOOR:

Mr. Leonard mentioned that he got his new ID card from the Police Department. He explained that anyone interested should contact Roseann at the Police Department for an appointment. He stated that the board member was required to supply her with their term expiration date and that information was printed on the phone lists.

Mr. Leonard also mentioned his concern over the increased use of neon on signs and around windows of businesses.

There was a lengthy discussion about this matter among the board members.

10. ADJOURNMENT:

Motion by Mr. Yaschen to adjourn at 7:59 PM.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary