

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

August 14, 2013

On August 14, 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 7:00 P.M.

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

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2013-13:** D & P Builders for Ann Rudolph, 47900 Jefferson, Chesterfield, MI 48047. Variance request is for a 12' x 14' shed in lieu of the 10' x 12' Township ordinance allows at the above location. The petition was carried over from the meeting of July 24, 2013.

David Schmidt, 52710 North Avenue, Macomb, MI addressed the board.

Petitioner stated that he was requesting a variance for a shed that would be 12' x 14' instead of the 10' x 12' size.

Ann Rudolph, 47900 Jefferson, Chesterfield, MI 48047 addressed the board.

Ms. Rudolph stated that she owns the lot next to her also so this would not be abutting to anybody.

Ms. Jones had no questions.

Mr. Leonard asked if this would be the only out-building other than the detached garage?

Petitioner stated that they did have a shed back there that is about 8' x 10' there and he is going to tear down.

Ms. Rudolph mentioned that it was 20 years old and at the time it was built they were not even required to put in a rat wall under it.

Mr. Leonard asked if they have an attached garage or just the detached?

Petitioner answered that they just had the detached garage.

Mr. Leonard asked if the petitioner's had a basement?

Ms. Rudolph answered no they do not have a basement.

Mr. Leonard asked so the home is on a crawl space and there is a limited amount of storage space?

Ms. Rudolph replied yes and mentioned that she has two arthritic knees and she can't climb a ladder anymore to get into the attic to get her Christmas decorations.

Mr. Militello asked if the petitioner's planned to match the shed to their home or is it a prefabricated shed?

Ms. Rudolph answered no it would not be a prefabricated shed; they would be having it built.

Petitioner stated that the shed would have a full slab concrete footing with framed walls and 2 x 6 rafters.

Mr. Militello asked again if the shed would match the home?

Ms. Rudolph stated that it would be frame not brick but it would have the same type of roof and everything.

Mr. Militello asked if it was in any site lines of their neighbors?

Ms. Rudolph replied no and that she already talked to her neighbors and no one has a problem with the shed.

Chairman Stepnak explained to the petitioners that generally the board would like to see the shed match the color scheme of the home, so it would kind of blend in with the home.

Ms. Rudolph stated that they could go with the same color as the home.

Mr. Anderson had no questions.

Mr. Klonowski asked if the petitioner's planned to put electricity or any other utilities in the shed?

Ms. Rudolph answered no.

Mr. Klonowski asked if the home was on a canal?

Ms. Rudolph replied yes.

Mr. Klonowski asked Chairman Stepnak if it would be considered waterfront property?

Chairman Stepnak stated that he thought that was not considered the same as on the lake or the river and the shed would be in their back yard.

Ms. Rudolph mentioned that the shed would be about 72' away from the canal.

Chairman Stepnak explained that on waterfront property the back yard is considered the front yard and the front yard is considered the back yard and they could not put a shed in their front yard without getting a variance.

Mr. Klonowski stated that the issue would be for site line so something doesn't go up that would block the view of the neighbors.

Mr. Yaschen had no questions.

Chairman Stepnak asked the dimensions of the petitioner's lot?

Ms. Rudolph replied that the lot is 245' deep and 72' across the front and 62' at the back; it is a pie-shaped lot. She reiterated that she owns the lot next door.

Chairman Stepnak stated so basically the petitioner's have a good size parcel to maintain. He asked if they had a basement?

Petitioner replied no.

Chairman Stepnak mentioned so there would be a practical difficulty because of needing storage for lawn equipment, ladders and other items that may be stored in a basement.

There were no public comments.

Motion by Mr. Yaschen to approve Petition # 2013-13 to tear down the old 8' x 12' shed and to erect a new 12' x 14' shed. The practical difficulty would be that the petitioner's have no basement and have no place to store lawn equipment and other items and approving the variance would not be against the spirit or intent of the ordinance.

Supported by Mr. Leonard who added that if the petitioner's would like to have electrical in the shed for lights that would not be an issue with the petition.

Mr. Yaschen added that to the motion.

Mr. Leonard continued support.

Ayes: All

Nays: None

Motion Granted

5. **ZBA PETITION # 2013-15:** Dave & Paula Frame, 25436 Mary Street, Chesterfield, MI 48051. Requesting a variance to waive the 10' required ordinance between structures on their existing pool and their proposed garage. Location is at the above stated address. The petition was carried over from meeting of July 24, 2013.

Paula Frame, 25436 Mary Street, Chesterfield, MI 48051 addressed the board.

Petitioner stated that she was requesting a variance from 10' to 7' from the pool to the garage.

Mr. Leonard asked if the garage was there now?

Petitioner answered that the garage was already there.

Mr. Leonard asked if the garage was attached to the house?

Petitioner replied no, that it is a detached garage.

Mr. Leonard stated that the drawing show a pool in the back and the proposed garage 16' x 16'.

Petitioner replied correct.

Mr. Leonard asked if there was a garage attached to the house?

Petitioner answered no, they only have the detached garage.

Mr. Leonard stated so that is the only garage and the one the petitioner was requesting the variance for.

Petitioner answered yes.

Mr. Leonard asked if it was already built?

Petitioner replied yes.

Mr. Leonard asked if the Building Department had any structural issues with the garage?

Petitioner answered no. She mentioned that unfortunately they have a 6' sewer easement on the right side of the property which forced the garage to be built over to the left.

Mr. Leonard stated so the only reason for the variance would be because the garage is 7' from the pool instead of 10'?

Petitioner replied correct.

Mr. Leonard asked if there was electricity in the garage?

Petitioner stated there will be.

Mr. Yaschen had no questions.

Mr. Militello had no questions.

Mr. Anderson had no questions.

Mr. Klonowski stated that he had no problems with it.

Ms. Jones verified so the pool and the garage are already there.

Petitioner replied yes.

There were no public comments.

Chairman Stepnak had no comments. He stated that Mr. Shortt had no comments from the Building Department.

Motion by Mr. Klonowski to approve Petitioner # 2013-15. He stated that the practical difficulty would be that the space was tight over there and he did not see that granting the variance would allow any special privileges.

Supported by Mr. Yashen

Mr. Leonard mentioned that the plans showed a shed also on the property.

Petitioner stated that the shed had been removed from the property.

Ayes: All

Nays: None

Motion Granted

6. **ZBA PETITION # 2013-16**: Milan Nikich, 53385 Zachary Drive, Chesterfield, MI 48047. Requesting a variance for a rear yard setback of 10'6" for a proposed paver patio with cement footings located at the above stated address.

Milan Nikich, 53385 Zachary Drive, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was there to build a 15' x 26' deck and they told him he needs a variance.

Chairman Stepnak stated that the reason for the variance was because of the rear yard setback.

Mr. Militello asked if it was a going to be a patio or a deck?

Petitioner answered a deck.

Mr. Militello asked if it was going to be made of wood?

Petitioner answered no it was going to be made of concrete.

Mr. Militello stated so it would be a patio. He mentioned that the petitioner is on a corner lot and does not have a very deep back yard, so he could see where it would be difficult to fit the patio in there.

Mr. Klonowski stated that he agreed with Mr. Militello that there was not a lot of room in the petitioner's back yard and it would be a tight fit back there.

Mr. Yaschen had no comments.

Mr. Anderson had no questions.

Ms. Jones had no questions.

Chairman Stepnak stated so basically the petitioner was proposing to put in a cement patio and the home is located on a corner lot. The petitioner does not have a lot of space back there. He asked if the petitioner was planning to do the construction himself?

Petitioner replied no. He stated that his brother-in-law is a licensed contractor and he would be doing the work.

Chairman Stepnak asked so basically this would be a patio and the petitioner would not be planning to enclose it or anything like that?

Petitioner replied no.

Chairman Stepnak stated that 15' x 26' was not an oversized patio because once the petitioner would put some lawn chairs on there and a table there would not be that much room left. He mentioned that he does not really have an issue with it.

Mr. Leonard asked so this would just be a patio, there would not be anything built over it, or a trellis or anything like that?

Petitioner replied no.

Mr. Leonard verified it would just be on the ground.

Petitioner answered yes.

There were no public comments.

Motion by Chairman Stepnak to approve Petitioner # 2013-16 for a rear yard set back variance. He stated that the petitioner did prove a practical difficulty due to the lot configuration and the board would not be bestowing any special privileges onto this homeowner. Basically, the petitioner would just be allowed a patio deck at the rear of his home just as allowed for other people in the community.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

7. **OLD BUSINESS:** Thomas Calcaterra, 26551 Autumn Lake Drive, Chesterfield, MI 48051. **ZBA PETITION # 2012-29** – Approved 10/10/12. Requesting an extension to his variance for a new residence. Building Permit was not issued for various reasons stated in letter. The petition was carried over from meeting of July 24, 2013.

Thomas Calcaterra, 26551 Autumn Lake Drive, Chesterfield, MI addressed the board.

Petitioner stated that he was requesting an extension of the variance that was approved for his property on October 10th of last year. He stated that for all the reason stated in his letter he was not able to proceed with his plans.

Chairman Stepnak stated that there was a public hearing on this when it was approved and he explained to the board that the petitioners are now looking for an extension. He asked the petitioner if they were requesting another six month extension.

Petitioner answered yes. He talked to Mr. Shortt from the Building Department, now that they are now ready to proceed, who informed him that the extension had expired.

Mr. Yaschen stated that the last extension on the variance was on October 10th and that the six months would have expired on April 10th of this year. So he asked if the petitioner got another six month extension that would put him into maybe November. He asked the petitioner if that would be enough time for him to get started on the project?

Petitioner replied yes.

Chairman Stepnak explained that the reason the petitioner had to come before the board again was because he did not pull any permits or start construction. He explained that if the petitioner pulls his permits in November and starts construction, the ZBA would then be out of the picture. He stated that once the petitioner pulls the permits and starts construction it would just be up to the Building Department. He just wanted to make the petitioner aware of that fact.

Petitioner stated that he understood that fact now. He stated that he wanted to pull the permits and start digging, however, the bank would not allow them to do that.

Mr. Militello had no questions.

Mr. Leonard asked just to get this clear, if the variance is approved for an extension the petitioner plans to get his permits and dig the basement in the next 30 days? He asked if that was the petitioner's plan?

Petitioner replied that he was not sure how long it will take because he was told that builders are really busy right now and they cannot get excavators to dig right now so he cannot say it will be done within 30 days.

There was a discussion among the board on if the six month extension would be from the time of the request for the extension or from the expiration of the last extension.

Petitioner stated that he was told by Mr. Shortt that the extension would be for six month from his request.

Mr. Leonard asked Chairman Stepnak if the board was locked in at six months?

Chairman Stepnak stated that looking at the Township ordinances, the board is allowed to give a six month extension and then another six month extension for a total of a year.

Mr. Leonard stated that as soon as the petitioner pulls the permit, the ZBA would be out of it and then the petitioner has two years under the permit to complete the project. Therefore, if the petitioner pulls the permit next week, the board would be out of that extension anyway.

Chairman Stepnak stated so if the board gave the petitioner six month from April that would bring the extension to October 10th.

Mr. Leonard instructed the petitioner to pull the permit next week with Mr. Shortt in the Building Department and he would be good to go because once the permit is pulled the extension is out of the picture.

Sally Calcaterra, 26551 Autumn Lake Drive, Chesterfield, MI addressed the board.

Mrs. Calcaterra asked that once the permit is pulled is there any time period in which they would have to dig the basement?

Chairman Stepnak stated that would be up to Mr. Shortt and the Building Department. He stated that there is probably a two year period from the time the permit is pulled to the completion of the project. He instructed the petitioner to talk to Mr. Shortt on the matter. He explained that the variance only has a certain amount of time because ordinances change. He stated that if for some reason, the petitioner doesn't pull the permit and waits until December; he doesn't know how the board would entertain something next year. He commented that they are looking at a petition at this point that is almost two years old.

Motion by Chairman Stepnak to grant a six month extension on Petition # 2012-29. He stated that the reason for the extension was an economic concern. He added that the extension would be from the April date until October of 2013.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

8. **NEW BUSINESS:**

There was no new business.

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

Motion by Mr. Anderson to approve the minutes from the July 10th and July 24th ZBA meetings.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

10. **COMMENTS FROM THE FLOOR:**

Mr. Yaschen mentioned that there were three petitions on the agenda for the next meeting on August 28th.

11. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:35PM.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary