

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

August 28, 2013

On August 28, 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
Carl Leonard, Planning Comm. liaison
Wendy Jones

Absent: Thomas Yaschen, Secretary, *excused*

Mr. Shawn Shortt attended the meeting as the representative from the Building Department.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2013-14:** Dan Dear, 49936 Miller Court, Chesterfield, MI 48047. Requesting a variance for the following for a proposed detached garage, a 5' height variance, to be over the allowable square footage by 25'6", to allow four doors facing the same elevation and allow the existing garage to remain while the proposed new garage is being built. Location is as stated above.

Dan Dear, 49936 Miller Court, Chesterfield, MI 48047 addressed the Board.

Petitioner stated that he was requesting to replace an old decrepit detached garage that was not designed properly and is an eyesore to the neighborhood. The old garage has four doors facing the street, one of which is more of a barn door. He mentioned that one door is 9' tall and the rest are 8'. He stated that his home is a ranch style with a very high roof line and therefore, he has designed a new garage to match his home. He added that to match his home's high roof pitch he is requesting a

5' height variance for the new garage. He explained that at the present time he has four garage doors facing the front and one that is 9' tall. He would like to have at least one door at 9', however, he would prefer that all the doors would be 9' in height so they would match. He stated that he would prefer to have two large two-car garage doors instead of individual doors. He mentioned that on the petition he saw to be over the allowable square footage by 25'6" and he did not understand what that was referring to.

Chairman Stepnak explained that the petitioner is allowed so much square footage of garage space.

Petitioner mentioned that his current garage is 1199 square feet and he thought he was allowed 1200 square feet of garage space. He stated that the last variance would be to allow the garage to stay while the new garage is being constructed for storage and then be demolished upon completion of the new structure. He mentioned that he had a neighbor present to speak on his behalf, letters from his neighbors, a map of the property and photographs of the existing garage.

Chairman Stepnak instructed the petitioner to present them to the Board.

Petitioner stated that he also had pictures in the packet of a few neighbors who have garages with two double garage doors and also photos of garages that are taller than the one he is proposing. He also mentioned the fact that his lot is over an acre which is larger than any of the other parcels with the double garage doors and taller garages.

Mr. Shortt informed the board that he has been out to the property with the electrical inspector. He stated that there were overhead electrical lines and they would be out of the way of the project. The petitioner would like to keep the existing garage until he builds the new one if it is approved and then demo that after the new one is built.

Chairman Stepnak asked Mr. Shortt if the petitioner has been working with the Building Department on this.

Mr. Shortt replied yes.

Chairman Stepnak asked Mr. Shortt if this would cause any problems because he stated he knew they had previously visited structures with multiple garage doors?

Mr. Shortt answered that in this case the garage doors would not be facing the road and it is a side turn-in garage.

Chairman Stepnak asked if the previous structures with the multiple garage doors were facing the road?

Mr. Shortt responded that he believed so. He believed that the petitioner can do that because the doors would not be facing the road. He verified with Mr. Leonard that it was okay, if one door faces the road and the other ones facing toward the side.

Mr. Leonard stated that if there were three single doors facing the road there could still be one in the back but not on the side; it was the front and the back. He remembered a petition not long ago where there was a side entry garage, he thought off of Chesterfield Road.....

Chairman Stepnak asked if there were four garage doors that would not be facing the road; would that cause a problem then?

Mr. Leonard stated that he thought, in one case, it had to do with one elevation and it just happened that the garage doors faced the road. He stated that the major issue is the four garage door issue.

Chairman Stepnak asked if it was the four-door issue or was the problem when the four-doors would be facing the road?

Mr. Leonard replied that he thought it was the four doors on one side which it was assumed would face the road; but with a side entry there would still be four doors on one side and one elevation. He stated that he thought the road was just an issue because most garages face the road.

Chairman Stepnak stated that this was something the ZBA could interpret. He wondered if when drafting the ordinance the concern was the doors facing the street.

Mr. Leonard reiterated that he thought the ordinance was addressing four garage doors on one elevation.

Ms. Jones had no questions. She just wanted to verify that the old garage would be coming down upon completion of the new structure.

Petitioner answered yes, he just wanted to store his things in there while the new garage was being built.

Mr. Militello mentioned that his questions were about the garage doors and until that was cleared up he had no other comments.

Mr. Anderson asked if the doors of the new structure would be visible from the street?

Petitioner answered that looking straight on because it is a side entry they would not be visible.

Mr. Anderson asked if the garage would be behind the home?

Petitioner replied no that it is the road, the garage and then the house. He stated looking at an angle the doors would be visible.

Mr. Anderson verified that the doors to the garage would not be visible straight on from the street. He mentioned that his home has a double garage door and that is what is visible straight on from the street.

Petitioner replied no. Looking at the garage, the windows would be what is visible straight on from the street, not the garage doors.

Mr. Klonowski stated that he was looking at the dimensional map and basically the structure would be 50' x 26'. He asked if that was correct?

Petitioner answered that the garage would be 1199 square feet.

Mr. Klonowski explained that he was coming up with 50' x 26' which would make it 1300 square feet.

Petitioner mentioned that there was a chunk missing from the corner of the structure.

Mr. Klonowski asked Mr. Shortt if the unenclosed corner overhang of the structure would be figured into the square footage of the garage?

Mr. Shortt replied he is not the one who does the paperwork.

Mr. Leonard commented that he thought an overhang was considered as part of the square feet of the structure because it could always be closed in at a later date.

Chairman Stepnak brought up the fact that the ZBA has approved porches with covers.

Petitioner explained that the reason it was designed like that was because it is not an attached garage and when it is raining it would be nice to have that little covered space to get out of the rain. He stated furthermore, when looking out from the house, that area being cut out helps provide an unobstructed view. He stated that the last reason for the overhang area is that the ordinance does not allow four-car garages. He mentioned that by cutting out that part of the garage, the structure would no longer be able to hold four cars.

Mr. Klonowski stated that his only issue would be if that area was considered in the square footage.

Chairman Stepnak stated that it was kind of an interpretation as to whether to consider porches and lean-to's as square footage because they could be closed in.

Mr. Leonard commented that it has never been a major issue, but it has been part of discussions.

Mr. Shortt stated that whatever the roof would cover he would consider part of the accessory structure.

Ms. Jones verified with the petitioner that his property was an acre in size.

Petitioner replied that it is a little over an acre.

Mr. Klonowski read letters from the petitioner's neighbors Don & Rita Richards, Al Tolevich, Heidi & George Tolevich, Jr. and Chris Parovich. All four letters were in favor of the board granting the variances for the petitioner. The letters were retained for the ZBA records.

Chairman Stepnak stated that the petitioner also gave the board a sketch of where the neighbors are located with respect to his home.

Mr. Leonard stated that he did some calculations and the 26' x 50' garage would be 1300 square feet. He mentioned that the little notched out area is 7.5' x 10' which would be 75 square feet, so he is coming up with enclosed square footage of 1225'.

Petitioner stated that was where the additional square footage part of the variance came from.

Mr. Leonard stated that was correct. He explained under the roof the square footage would be 1300 and enclosed would be 1225. He stated that in regard to the doors he would like to read part of Sec. 76-331 b. i. "In no case shall such building (s) be designed to house more than four cars. ii. In no case shall such building exceed 1,200 square feet. Attached accessory buildings may split the allotted 1,200 square feet of floor area among no more than two different additions to the same principal structure. iii. No more than the equivalent of three standard single-car garage doors or openings designed to facilitate the entry and exist of three vehicles simultaneously shall be facing a road frontage on the same plane. The fourth door or equivalent shall be stepped back 10' or face an opposite direction or opposite side of the principal structure." He stated that this whole four-garage door thing has been swirling around for years.

Chairman Stepnak agreed that it has been an issue in the community for quite a few years.

Mr. Leonard stated in his opinion, whether it is facing the road or on the side, the doors would still be on one elevation. He mentioned so it is sort of covered, but not specific.

Chairman Stepnak commented that this property would be considered more of a parcel than a subdivision and a lot of what the board has been coming across was the large garages in subdivisions.

Mr. Leonard stated that he did not have a problem if the petitioner planned to put electrical in the garage. He does not have a problem with the size if the garage if someone has to do work on their vehicles and they need some heat in there. He explained that he did not have a problem with the height of the structure because, the petitioner is just matching his home and everything would match. However, the garage door thing has been going around and around and he would like to stay consistent that the large door can be 18' or 16' wide door and the second could be 10' or 12' wide, but not the big two-double doors. He has gone through so many meetings to get the ordinance expanded to allow four-car garages, but looking at this he is going to stick with the ordinance the way it was finally put together. He would agree to a single and a double door even if they would be oversized.

Rita and Don Richards, 29932 Miller Court, Chesterfield, MI addressed the Board.

Mr. and Mrs. Richards both made positive comments about their neighbors and were in favor of the board granting the variance for the petitioners.

There were no other public comments.

Mr. Leonard stated that there was a structure in the petitioner's yard on the lake side.

Petitioner stated that was correct.

Mr. Leonard asked the petitioner what was that structure?

Petitioner replied it is just a small building that is like a small little home and it has been there for many years.

Ms. Richards stated that is has been there for at least 40 years.

Mr. Leonard asked if the structure had plumbing, water, electricity and heat.

Petitioner replied yes it does.

Mr. Leonard asked if it was used as living space?

Petitioner stated that they used it quite often; however, they usually do not sleep in there if that is the question. They have only slept in the small house a few times in 13 years since they owned the property.

Mr. Leonard stated that he was just curious about that. He stated that the only suggestion he had for the petitioner was to change the door sizes because as far as storage, having two double doors versus a double door and an oversized single door would not impair the storage capabilities. He does not see the practical difficulty or hardship in having two large double doors as opposed to a large double door and a large oversized single door. He added besides with that other building in the back, he was sure there was a lot of storage over there.

Petitioner stated that there was no place to put a lawnmower and other equipment in that structure.

Mr. Leonard reiterated that having two double doors versus a double door and an oversized single door would not impair the storage capabilities of the garage.

Petitioner stated by using a double and a single garage door in the garage will not make a difference for storage space, however it restricts where he parks his cars in the garage.

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

Motion by Mr. Leonard to deny the petition. He stated that there were three requests and he asked Chairman Stepnak if he had to deny all three.

Chairman Stepnak explained that they did not discuss with the petitioner to piece meal the request, therefore, Mr. Leonard would need to deny the whole thing.

Mr. Leonard stated that his only problem was the two double doors.

Chairman Stepnak told Mr. Leonard would have to make a motion to deny the whole petition stating that there was no practical difficulty because otherwise the board would be designing the project. He understands that there have been instances where things were changed by the petitioner after a motion was in play, where it was discussed further. He stated at this stage of the game the board would be designing or site-designing the project.

Mr. Leonard asked Chairman Stepnak that if he made a motion to deny based on what was in front of them, would the petitioner have an opportunity to offer to change something.

Chairman Stepnak replied that he was not sure and asked Mr. Leonard to make his motion to deny and the board will go from there.

Motion by Mr. Leonard to deny Petition # 2013-14 because the petitioner did not show a practical difficulty as to the necessity of the two large double doors.

The Motion failed due to lack of support.

Chairman Stepnak asked the Board for another motion.

Mr. Klonowski commented that he could see Mr. Leonard's point on the matter about the Board challenging the ordinance.

Chairman Stepnak stated that was true, but the designers of the ordinance had the wisdom of being concerned about the street sight.

Mr. Leonard mentioned that all the doors were facing one side as well.

Mr. Anderson brought up the ordinance #76-331iii. and read. "No more than the equivalent of three standard single-car garage doors or openings designed to facilitate the entry and exist of three vehicles simultaneously shall be facing a road frontage on the same plane." He stated that with this garage a person would be able to stand next to the petitioner's home and see the two double garage doors, but the doors still would not be facing the street.

Ms. Jones agreed that the ordinance specifically stated facing the street.

Mr. Anderson replied right.

Motion by Mr. Klonowski to approve Petition # 2013-14 for the height variance, the doors, and being over the allowable square footage. He stated that the petitioner must remove the old garage upon completion of the new structure.

Supported by Mr. Anderson

Chairman Stepnak verified that the motion by Mr. Klonowski would approve everything that has been presented to the Board by the petitioner.

Mr. Klonowski stated that was correct.

Ayes: Klonowski, Anderson, Stepnak, Militello and Jones

Nays: Leonard

Motion Granted

5. **ZBA PETITION # 2013-17** Terry Taylor, 28652 Wales, Chesterfield, MI 48047. Requesting a variance to allow a 12' x 12' shed in lieu of the 10' x 12' Township ordinance allows located at the above listed address.

Terry Taylor, 28652 Wales, Chesterfield, MI 48047 addressed the Board.

Petitioner stated that he was requesting a 12' x12' which is two feet too big. He did not know when he bought the shed at Menards that the size was not allowed by the Township. He mentioned that at the present time he has an ugly aluminum shed and he would like to replace it with this new one.

Mr. Leonard stated that a 10' x 12' shed is a weird dimension and he thought he would bring up the fact that a 12' x 12' is a more common size for a shed and was more practical. He does not have a problem with the size because the shed would only a couple of feet larger than allowed by the ordinance. He asked if it was already built?

Petitioner replied no, it is sitting in his garage because he found out it was too big.

Mr. Leonard asked if the petitioner planned to put in electrical for lights?

Petitioner stated that his wife wanted him to put electrical in the shed but he really did not plan on it.

Mr. Klonowski joked so the petitioner is hoping we do not allow electricity in there.

Mr. Leonard remarked that it was either electric or a flashlight. He commented that the petitioner did not really have any room to build a larger garage because of the size of the lot. He assumes that the petitioner has a basement.

Petitioner answered yes.

Mr. Leonard stated that was something he would bring up at the next Planning meeting about possibly changing the size to 12' x 12'.

Petitioner stated that all of the other smaller sheds were wood and this one had siding that matched his home.

Mr. Anderson had no questions.

Ms. Jones asked if the petitioner just had a two-car garage?

Petitioner replied yes.

Sheryl Taylor, 28652 Wales, Chesterfield, MI 48047 addressed the Board.

Ms. Taylor stated that they can barely get two cars in their garage and there is no room for storage of lawn equipment and patio furniture.

Petitioner commented that his truck does not fit in the garage.

Mr. Militello agreed with Mr. Leonard that the 12' x 12' shed is becoming much more common and he does not have an issue with it.

Mr. Klonowski asked the petitioner if the old shed would be torn down?

Petitioner replied yes as soon as the new one is put up.

Mr. Shortt explained that the petitioner would have to put in a rat wall and a slab and everything would have to drain to the catch basin location. He stated that the location of the shed would be fine because it will be a foot off both easements. He stated that the Building Department has no problem with the shed.

Chairman Stepnak told the petitioner to make sure to contact the Building Department to get permits and for required inspections as the project moves on.

Petitioner asked if he should contact the Building Department when he puts in the rat wall?

Chairman Stepnak stated that if the Board approves it, the petitioner must go the Building Department and get permits and Mr. Shortt is usually at the counter and would be able to answer all of the petitioner's questions and guide him through the process of inspections and whatever else is necessary.

Mr. Shortt mentioned that when pulling the permit the petitioner should bring in some drawings of the shed or something.

Ms. Taylor asked if they could bring in the picture that was enclosed with the kit.

Mr. Shortt replied yes.

Motion by Mr. Leonard to approve Petition # 2013-17 to allow the shed to be over by 24 square feet; the size being 12' x 12'. The petitioner would also be allowed to put electrical in the shed if he feels the need and the reason for approval would be that the petitioner lacks storage space and cannot expand his existing garage.

Supported by Mr. Jones

Ayes: All

Nays: None

Motion Granted

6. **ZBA PETITION # 2013-18:** Harvey Weiss Properties, L.L.C., 32820 Woodward Ave., Royal Oak, MI 48073. Requesting a variance to Section 76.375d. (2)c., a rear yard setback of 60' shall be required, also variance request to the same Section 76.375 (d) a., that the minimum area shall consist of at least 5 acres or more in the C-2 "Planned Shopping Center" zoning district. This request is for a proposed retail located in a southeast out lot of the Meijer parking lot located at 27255 23 Mile Road.

There was no one at the meeting to represent the petitioners.

Mr. Leonard stated that the petitioner were sent on their way at the last Planning Commission meeting to solve some issues with ingress and egress onto the property, an issue with an engineering report and a few other things. He was surprised to see it on the agenda since there were issues that still had to be resolved with the Planning Commission.

Motion by Chairman Stepnak to Table Petition # 2013-18 to the next regularly scheduled meeting which would be, September 11, 2013.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

7. **OLD BUSINESS:**

There was no old business.

8. **NEW BUSINESS:**

There was no new business.

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

Motion by Chairman Stepnak to approve the minutes from the August 14, 2013 meeting.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

10. COMMENTS FROM THE FLOOR:

Mr. Leonard mentioned that he planned to speak to members of the Planning Commission concerning the wording of the garage ordinance. He agreed that the way it is written only addressed garage doors facing the street front.

11. ADJOURNMENT:

Motion by Mr. Klonowski to adjourn at 7:50 PM

Supported by Ms. Jones

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary