

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

**September 25, 2013**

On September 25, 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  
James Klonowski, Vice-Chairman  
Hank Anderson, Township Board liaison  
Thomas Yaschen, Secretary  
Carl Leonard, Planning Comm. liaison  
Patrick Militello  
Wendy Jones

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **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.

Lou Phillips, representative from Harvey Weiss Properties, L.L.C., 32820 Woodward Ave., Royal Oak, MI addressed the board.

Petitioner stated that he was requesting two variances. He mentioned that they dropped the variance that dealt with parking. He stated the two variances they would be addressing are the one regarding the 60' rear yard setback requirement and the other would be the five acre parcel minimum size.

Chairman Stepnak stated that he knew this had been in front of the Planning Commission last evening and since Mr. Leonard serves on the Commission, and is their liaison to the Zoning Board, he would like him to start with any questions that he may have for the petitioners.

Mr. Leonard stated that the petitioners had a discussion with the Township Planner and they have things worked out as far as the parking situation as the petitioner mentioned. He explained that the Township Planner really did not have any issues or concerns with the distance behind the building or the five acre parcel minimum. He did not really have any questions and mentioned that the petitioner would be in front of the Planning Commission again to go over some things from the Planner's Report, engineering and any other issues that still have to be addressed.

Mr. Militello had no questions.

Mr. Yaschen asked how they would approve the five acre minimum in an area zoned as C 2?

Mr. Leonard stated that it was discussed prior to the Planning meeting and he was not in attendance, so he does not know.

Chairman Stepnak stated that he thought the five acre parcel minimum would be more relevant for a stand alone shopping center development. He stated that basically this was a shopping center within a shopping center so that would kind of be the reason that the petitioner's are in front of the board. He explained that the five acre requirement is to protect the community from not having small subdivisions. He commented that this is unique and different because it is a shopping center within a shopping center.

Mr. Leonard mentioned that Mr. Meagher, the Township Planner explained to the Commission that because Meijer carries so many different products that it is almost like having all these different stores within that complex.

Mr. Klonowski stated that he had no problems with the variances. He stated that initially the parking caught his eye originally, but that issue has been resolved. He added that he did not have any problem with the setbacks or the five acre minimum because it is not a stand alone store and it would be in the Meijer complex.

Ms. Jones had no questions.

Mr. Anderson had no questions or comments.

Chairman Stepnak mentioned that he did speak to Pat Meagher and it looks like what the board is running into in this scenario is when someone comes in with a shopping center they are handed a list of requirements to fulfill. This is something that the petitioner's are developing that is unique and because they are putting a strip mall in an existing shopping center therefore they are running into some overlapping requirements such as the five acre minimum and the other would be the rear yard setback. During his conversation with the Community Planner he was informed that the petitioners have been very cooperative and have adhered to all the requirements that have been presented to them. Therefore, he does not see that as a major issue. He mentioned that the only thing that concerns him and other members of the board are shopping centers that have been there for quite some time that do not have the front road access and business are moving from those buildings and the result is vacant shopping center in the rear or the ones not in the prestigious locations. Unfortunately, that is not an issue the board can use as a deterring factor. The board is looking at the practical difficulty which would be that the requirements are set up for a stand alone shopping center while this would be more of an out lot scenario.

Petitioner stated that they use the expression a campus as opposed to a single element in the community.

Mr. Leonard mentioned the color renderings of the buildings. He stated that the Planning Commission was quite happy with the way the development was taking shape. The building will be all brick all the way around which was something they were going around about. He related that as Chairman Stepnak mentioned the petitioners have been very cooperative with the Planning Commission and have been open to all requests from the Township. The building will look great and there are some combinations of stone and a few different color bricks and it will really look nice.

**Motion** by Mr. Klonowski to approve Petition # 2013-18. He stated that the reason for approval would be because the store is within the Meijer campus

**Supported** by Ms. Jones

Mr. Leonard stated that the petitioner's would still be required to go back to Planning to address a list of issues there.

**Ayes: All**

**Nays: None**

**Motion Granted**

**5. OLD BUSINESS:**

There was no old business.

6. **NEW BUSINESS:**

There was no new business.

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

**Motion** by Mr. Yaschen to approve the minutes from the August 28, 2013 meeting.

**Supported** by Chairman Stepnak

**Ayes: All**

**Nays: None**

**Motion Granted**

8. **COMMENTS FROM THE FLOOR:**

9. **ADJOURNMENT:**

**Motion** by Mr. Anderson to adjourn at 7:14 PM

**Supported** by Mr. Yaschen

**Ayes: All**

**Nays: None**

**Motion Granted**

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*Thomas Yaschen, Secretary*

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*Grace Mastronardi, Recording Secretary*