

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

October 9, 2013

On October 9, 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:**

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| Present: | Marvin Stepnak, Chairman James Klonowski, Vice-Chairman Hank Anderson, Township Board liaison Thomas Yaschen, Secretary Carl Leonard, Planning Comm. Liaison |
| Absent: | Patrick Militello, <i>excused</i> Wendy Jones, <i>excused</i> |

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 # 2013-20:** Andrey Anistratenko, 50073 Dove, Chesterfield, MI 48047. Requesting a 15' rear yard setback variance for a proposed screened in porch at the above address.

Andrey Anistratenko, 50073 Dove, Chesterfield, MI addressed the board.

Petitioner stated that he wanted to put in a screened room for a patio that was not too big and was a place for his child to play.

Chairman Stepnak stated that he was aware that the petitioner had been to see Mr. Shortt and asked him for any input on the petition.

Mr. Shortt stated that the petitioner wants to put in a 16' x 16' screened in Temo room and the ordinance required a 35' rear yard setback and it would only be 23'. The room would not be in the easement and there would not be a drainage problem in that area.

Chairman Stepnak asked if the petition had been working with Mr. Shortt.

Mr. Shortt replied yes.

Mr. Leonard looking at the site plan it seemed as though the setback variance would be less than requested. He stated that according to his calculations the variance would be more like 10.5' variance.

Mr. Shortt stated that the property behind the petitioner is not buildable, the petitioner would not be in the easement and after the dirt is removed the property will drain well.

Mr. Leonard asked if the petitioner planned to put any other utilities in the room besides electric? He asked if the petitioner planned to heat the room?

Petitioner replied that it would not have heat; he just wants a screened porch.

Mr. Leonard verified that the petitioner would only be installing electrical then?

Petitioner answered yes, but no heat.

Mr. Leonard asked then the room would only be used during the warm weather.

Petitioner replied yes.

Mr. Anderson had no questions.

Mr. Klonowski stated that because of the shape of the lot he can see the practical difficulty. He stated that it looked like the lot is pie-shaped and the house probably had to be set back in order to make the side yard setbacks and so they would have less back yard and more front yard and that would also be a practical difficulty.

There were no public comments.

Mr. Yaschen had no questions.

Chairman Stepnak asked Mr. Yaschen to read the correspondence that was received.

Mr. Yaschen read a letter from Sheryl and Don Sirey and Mark & Patricia Wampler neighbors of the petitioners who stated that they had no problem with the board granting the variance. The letter was retained for the ZBA records.

Motion by Mr. Yaschen to approve Petition #2013-20 for the property at 50073 Dove, Chesterfield, MI for a 15' or it may be less rear yard setback variance for a proposed screened in porch. He stated that there were no objections by the petitioner's neighbors and there was a practical difficulty due to the shape of the lot. The requested variance would not confer any special privileges denied to other property owners in a similar situation in the same zoning district and approving the variance would not be against the spirit or intent of the ordinance

Supported by Mr. Anderson

Ayes: All

Nays: None

Motion Granted

5. **ZBA PETITION # 2013-21:** Anthony Sarotte for Florence Cement, 12585 23 Mile, Shelby Twp., MI 48315. Requesting a temporary batch plant for the paving of Milton Meadows on the east side of Chesterfield Road, between 24 & 25 Mile Roads.

Anthony Sarotte for Florence Cement, 12585 23 Mile, Shelby Twp., MI 48315 addressed the board.

Petitioner stated that he was requesting to set up a temporary batch plant solely for the purpose of paving Phase 2 of the Milton Meadows Subdivision.

Chairman Stepnak asked if the petitioner ever had a batch plant in Chesterfield before?

Petitioner replied he did not recall. He has been with the company for 12 years and to his recollection no. However, he stated that they are a large paving company so most likely they have worked in Chesterfield before.

Mr. Yaschen stated that with batch plants the main concern would be clean up. He asked Mr. Shortt if the Building Department would be the ones to make sure the area is cleaned up properly after completion of the project?

Mr. Shortt stated that in the past with batch plants they would normally set a \$5,000 bond and petitioner would also be required to pay \$125 for a permit fee. The petitioner would have to fill out a permit application and the Zoning Board would give them a time frame to have the work completed. Then, he explained they would go out and make sure after the work is done the area is cleaned up. He stated that usually companies are pretty good about that.

Petitioner mentioned that their company always leaves the site clean; they were real good about that.

Chairman Stepnak mentioned John Carlo come in and the company did not want to comply with the rules and regulations of this community and how the Township had to shut them down and that was done by the Building Department, the Sherriff's Department and the State police because they were batching off-site. He mentioned that there were still people in place at the Township that would shut the operation down if the petitioner did not comply with the rules. He stated that basically the batch plant that would be approved to batch on-site only for that subdivision. He mentioned that in the paperwork the petitioner has the hours of operation, the routes, dates, the schedule, the hours of operation and then Mr. Shortt mentioned the bond. He just wanted the petitioner to be aware of the fact that if the rules are not adhered to the Township can shut the site down and that is the reason he likes to tell that story.

Petitioner explained that was why at the start he mentioned that this paving would solely be for this subdivision. He mentioned that they have a good reputation and set up batch plants all over Michigan and they have their own restoration crews that clean the areas up so they get their bond money back. He stated that if they do anything wrong shame on us and the Township has the right to do anything they see fit.

Mr. Leonard mentioned that according to the paperwork the paving would be for three days. He asked if there was a starting date?

Petitioner explained that the project is ready right now and they would start paving as soon as he gets through all of the paperwork. He stated that tops it would be two weeks. He mentioned that their problem was that this was the earliest they could get on the agenda. He reiterated that as soon as they get done with the paperwork they will pave the subdivision and get out of there.

Chairman Stepnak asked so they would have a three day window?

Petitioner answered that depending on the weather there may be two days of paving and there maybe gaps in the times.

Mr. Leonard stated that the petitioner still plans to have everything completed by the end of October.

Petitioner replied absolutely. He asked about the process to get the hydrant permit?

Mr. Shortt mentioned that they would probably get a hydrant permit from the DPW.

Chairman Stepnak directed the petitioner to go see the DPW on Sierra Drive and talk to JR.

Mr. Anderson had no questions.

Mr. Klonowski had no questions.

Chairman Stepnak stated that he was looking at the letter from the petitioner dated September 12, 2013 requesting a batch plant for Milton Meadows Phase 2. He stated that according to the paperwork the paving would take place before October 31st.

There were no public comments.

Petitioner asked if the \$5,000 was a restoration bond?

Mr. Shortt replied that the \$5,000 was a required cash bond.

Petitioner stated that he understood that he had to write a letter to the DEQ and then they come out to check the project. He then mentioned that he would provide the Township with a copy of the letter.

Chairman Stepnak instructed the petitioner to send all correspondence to Mr. Shortt at the Building Department.

Mr. Shortt stated that Colonel Binkstall, president of the Association, is right across the street from the location of the batch plant and he will come out to make sure it is not dusty.

Motion by Mr. Klonowski to approve Petition # 2013-21 for a temporary batch plant for the paving of Milton Meadows on the east side of Chesterfield Road, between 24 & 25 Mile Roads. The paving would be completed by October 31, 2013 and the petitioner would be required to post a \$5,000 performance bond and must pull the necessary permits.

Supported by Chairman Stepnak

Chairman Stepnak added that the letter was dated September 9, 2013 from Anthony Sarotte P.E. and he presented the request to the community. He stated that they are going by the letter that this would be the form of action taking for the batching plant and that there would be no off-site batching. He explained that anything made on that site would have to be poured at that site.

Mr. Klonowski agreed with the addition to the motion

Chairman Stepnak continued support

Ayes: All

Nays: None

Motion Granted

6. **OLD BUSINESS:**

There was no old business.

7. **NEW BUSINESS:**

Mr. Yaschen mentioned that there were two petitions on the agenda for the next scheduled ZBA meeting.

Mr. Anderson mentioned that Monday night Ms. Jones was appointed for another term on ZBA.

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

Motion by Mr. Yaschen to approve the minutes from the September 25, 2013 meeting

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

9. **COMMENTS FROM THE FLOOR:**

Steve Ritter, 27805 Bertrand, Chesterfield, MI addressed the board.

Mr. Ritter made comments in favor of the temporary batch plant for Florence cement. He stated that he did not hear the Chairman ask for comments during the discussion of the petition.

10. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:29 PM

Supported by Ms. Leonard

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary