

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

November 27, 2013

On November 27, 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
Thomas Yaschen, Secretary
Hank Anderson, Township Board liaison
Carl Leonard, Planning Comm. Liaison
Patrick Militello

Absent: Wendy Jones, *excused*

Mr. Dave Czuprenski attended the meeting as the representative from the Building Department.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA #2013-23:** James & Kimberly Zeck, 37701 Hobarth Rd., Chesterfield, MI 48047. Petitioners are requesting a variance from Section 76.331 (a), 9. Article IX. Agricultural and Residential Districts, accessory structures or buildings that no accessory structure shall be located closer than 10' from any main building, they are requesting a 6' variance between proposed gazebo and their existing home located at the address stated above.

James Zeck, 37701 Hobarth Rd., Chesterfield, MI addressed the board.

Petitioner stated that he was in front of the board with a request for a gazebo off of their deck at the side of their house. He added that the variance is for the 10' distance between the existing structure and the gazebo because apparently it is at 4'.

Mr. Leonard asked the petitioner if he was the original owner of the property?

Petitioner replied no.

Mr. Leonard asked the petitioner how long he has lived at the home.

Petitioner answered 24 years.

Mr. Leonard asked how long the petitioner has had the pool?

Petitioner replied that he had constructed the deck and the pool about 10 years ago.

Mr. Leonard asked the petitioner if there was no where else to put the gazebo?

Petitioner replied that they put it there for convenience. He explained that they have a lot of property and they put the gazebo in that area so they would be able to have dinner outside and it is conveniently attached to the deck and the house already. He explained that the other reason for putting the gazebo in that area is that in the spring his property floods well into June from the rain. He mentioned that tracking out to the gazebo away from the house would be very hard going through the water in the spring. He added that they have a tri-level home and on that side of the house there is a build-up of dirt to the house. He explained that if he had to put the gazebo further away to meet the 10' requirement it would be about 6' off the elevation of the grade because the grade drops significantly away from the house.

Mr. Leonard asked if the gazebo would be elevated or flush?

Petitioner replied that the gazebo would be flush with the existing deck.

Mr. Leonard asked if the deck was elevated?

Petiitoner replied about a foot.

Mr. Leonard stated that the petitioner mentioned that the gazebo was flush. He commented that he did not have a chance to go by the property and asked if the gazebo was already there?

Petitioner answered yes.

Mr. Leonard verified so the gazebo has already been built.

Petitioner stated it was about 80% built.

Mr. Leonard stated that he assumed that the petitioner built the gazebo without a permit.

Petitioner replied that was correct. He stated that when he finally applied for the permit, he was told about the 10' between the structures.

Mr. Leonard commented that it would have been a good idea to have that information a few months sooner.

Mr. Anderson had no questions.

Mr. Klonowski mentioned that he was familiar with the area. He commented that the area does tend to flood and with the High School at that location now there is quite a bit of traffic and dust.

Mr. Yaschen asked if there were any concerns from the Building Department?

Mr. Czuprenski asked the height from the deck to the top of the gazebo?

Petiitoner replied he thought it was on the permit.

Mr. Czuprenski stated that he did not see any numbers in the paperwork.

Chairman Stepnak asked Dave the maximum height allowed for the gazebo?

Mr. Czuprenski replied that the maximum height allowed would be 16' from grade and it is showing about 3' from the gazebo floor to grade; so he is trying to add that into the height of the gazebo to make sure it is less than 16'. Otherwise, a variance would also have to be brought in for going over the height limit.

Chairman Stepnak stated that since it is 80% complete would it be possible for the petitioner to comply with the Building Department and the height restrictions.

Petiitoner stated that if that was an issue they would have to raise the grade around it. He stated that right now the peak of the roof versus the floor of the gazebo is about 14' as shown on Page 2 of the application for the building permit. He mentioned that where the deck is located the floor of the gazebo is about 1' 8" from the grade at the point and then add the 14' from there. However, going away from the house the grade drops down to about 2 $\frac{3}{4}$ ' at the furthest point out with the current location of the gazebo. Therefore, that is where they would add 3 additional feet to the 14' because of the grade variant underneath.

Mr. Czuprenski stated that the paper shows 2.7' to the bottom of the deck so there would be another 8 to 9" which would put it over 3'.

Petitioner agreed.

Chairman Stepnak asked if the petitioner would be in compliance or what?

Mr. Czuprenski replied for about 50% of it, but part of it would not be. He stated that the petitioner could alter the grade by use of a flower garden and elevate it. According to code, the height would be taken at 3' away from the deck.

Chairman Stepnak stated that the problem is that he understands people get anxious and want to put a project up and they start something and realize permits were not fully issued and then they come back. He explained that the board cannot sit there and redesign the project. He mentioned that he did not really have too much of a problem with the setback from the house but if they were running into a grade issue, he would think the petitioner would meet the board half way make sure the height of the structure is in compliance. He asked if that was something the petitioner would agree to?

Petiitoner replied yes.

Mr. Militello had no questions.

Chairman Stepnak stated that part of the intent of the ordinance is related to in a subdivision when structures are built too close to the house which would inhibit the fire and emergency response. He mentioned that the petitioner is located on Hobarth Road which is a rural part of the community and looking at the land there should be no problem for getting fire compression equipment around there. He mentioned that the petitioner did agree to comply with the grade. He asked if there were any other issues from the Building Department?

Mr. Czuprenski replied no, not without reviewing the permits. He mentioned that once they review the permits they would have to review it structurally and for any other problems.

Chairman Stepnak stated that the petitioner would have to comply with building codes and the only thing the board would consider would be the setback from the structure and the height.

Mr. Leonard asked if it would just be a seasonal structure and would it be screened in?

Petitioner replied that it would be wall construction with windows and screens

Mr. Leonard asked if the petitioner planned to drywall the inside?

Petitioner stated that he did not plan to drywall it he planned to finish it with box car siding.

Mr. Leonard asked if there would be any utilities in the gazebo?

Petitioner replied just electric.

Mr. Leonard asked if he planned to have gas or water out there?

Petitioner answered no.

Mr. Leonard stated so it would just be seasonal and not be used in the winter?

Petitioner replied that was correct.

Motion by Mr. Klonowski to approve Petition # 2013-23. The reason for the variance would be because there is a flooding issue in the yard. He stated that the petitioner must comply with all Building Department requirements and bring up the grade.

Supported by Mr. Yaschen

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 October 23, 2013 meeting.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

8. **COMMENTS FROM THE FLOOR:**

Chairman Stepnak mentioned that he had touched base with Sherri about cancelling this meeting but it was explained that due to the nature of the time that it has to be submitted to the newspaper they would have to cancel the meeting about 30 days before so there is not an easy way to do it.

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9. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:18 PM

Supported by Chairman Stepnak

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary