

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

December 11, 2013

On December 11, 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
Wendy Jones

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA #2013-24:** Stanley Kasiewicz, 1807 Harvest Lane, Bloomfield Hills, MI 48302. Petitioner is requesting a variance to allow current attic space to continue to be utilized as living area. Petitioner purchased home with finished attic which is considered a 3rd story in the ordinance which is not allowed without a variance. Home is located at 45611 Edgewater Drive.

Stanley Kasiewicz, 1807 Harvest Lane, Bloomfield Hills, MI 48302 addressed the board.

Petitioner stated that he was the owner of the property. He stated that upon renovating the home he discovered that a small portion of the house had a room added to the upper level and it was added without getting permission to do so. He mentioned that he purchased the home and fixed it all up and would like to sell the house, but he cannot do so without getting the variance. He stated that the house has passed all the other building codes and inspections.

Chairman Stepnak asked the petitioner if he was the current owner of the house?

Petitioner replied yes.

Chairman Stepnak verified with the petitioner that he was in the process of selling the home?

Petitioner answered yes, that he purchased the home as a foreclosure. He bought it remodeled the structure and corrected all the violations and he was now in the process of selling it.

Ms. Jones verified that the petitioner purchased and renovated the home and at this time he was probably trying to get a certificate of occupancy.

Petitioner replied yes.

Ms. Jones asked if there was an existing bathroom up there prior to the petitioner purchasing the property?

Petitioner replied yes.

Mr. Klonowski asked what would classify the area as a third floor? Is it the utilities?

Chairman Stepnak explained that he believed that the area would be considered livable space, like a finished basement where they now require an egress window. He mentioned that if someone just wanted to store Christmas decorations up there it would technically be a third story; but it would be considered an attic. He stated that once the room is turned into a livable space like a bedroom with closet doors, it would be considered living space.

Petitioner explained that the area which is considered a steam room is so small that it cannot be utilized as living space. There is no room there for a bed or a couch in that area.

Mr. Klonowski commented that when looking at the home, it is not designed as a third story and does blend it with the other homes in the area.

Chairman Stepnak stated that it was kind of a gray area and his understanding was that if the area was going to be used as a living space, it would be considered a third floor. He stated that one reason for these codes are fire concerns and Chesterfield Township does not want any structures higher than two stories because possibly the fire department does not have ladders that go that high or the department is not trained for that type of building or whatever the case might be. The number one concern of the Township is the health, safety and welfare of the community and that is the main reason for the ordinances.

Mr. Klonowski reiterated that the house was not designed with a third story and he felt that the architecture just allowed a little more space up there.

Chairman Stepnak agreed with Mr. Klonowski.

Mr. Leonard asked when the home was originally built?

Petitioner replied that it was built in 1948.

Mr. Leonard stated then apparently it was remodeled. He asked the petitioner if he had anything to do with changing the exterior of the home?

Petitioner replied no.

Mr. Leonard asked if the petitioner knew when the home was remodeled?

Petitioner replied that from talking with neighbors, he was told the home had been remodeled a few times over the years.

Mr. Leonard stated that he thought the house was built with a cathedral ceiling and the previous owners just filled in that space. He mentioned that once before there was a situation where a third floor was added and it was all under the roof so no walls were added and this case was kind of the same. He stated that if it was not brought to their attention, they would not even know it was there. He mentioned that he does not have an issue with this because it was something that just happened internally. He asked the petitioner if there was a window at the back wall?

Petitioner replied that there is no window at the back, but there was a window on the side.

Mr. Leonard mentioned that he did not have a chance to get over there.

Petitioner apologized for not bringing any pictures, but he stated it was hard to get in there because the space is small.

Mr. Leonard stated that unfortunately the petitioner inherited this problem.

Petitioner mentioned that the house was no higher than other homes in the area.

Mr. Yaschen had no questions.

Mr. Militello commented that ad the petitioner stated the home was not any higher or taller than other homes in the area. So he has a hard time understanding why the home would be considered having a third story if it does not have the height of a three story home. He would have liked to have someone from the Building Department there to explain it a little better. He mentioned that he had no issues with it.

Mr. Anderson stated that the petitioner had indicated that the Township Building Department gave its blessing on the project and they had no problems with it.

Petitioner made some additional comments that were inaudible.

Motion by Ms. Jones to approve the variance for Petition # 2013-24. In regard to the conditions and circumstances to the property were not created by the petitioner and it would cause a practical difficulty for the homeowner to comply with closing the room off financially. She does not have a problem with the area because the home was not built up to make it a third story.

Supported by Mr. Anderson

Chairman Stepnak stated that financial concerns are not really a reason for the approval. However, taking a look at the homes in the area and the community, basically the height is not any taller than other homes in the area.

Mr. Klonowski added that approving the variance would not be contrary to the spirit or intent of the ordinance.

Ms. Jones agreed to the additions to the motion.

Mr. Anderson continued support.

Ayes: All

Nays: None

Motion Granted

5. **OLD BUSINESS:**

There was no old business.

6. **NEW BUSINESS:**

All the board members wished each other a Merry Christmas and Happy New Year.

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

Motion by Chairman Stepnak to approve the minutes from the November 26, 2013 meeting.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

8. **COMMENTS FROM THE FLOOR:**

There were no comments from the floor.

9. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:16 PM

Supported by Chairman Stepnak

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary