

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

**January 22, 2014**

On January 22, 2014, 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  
Carl Leonard, Planning Comm. Liaison  
Hank Anderson, Township Board Liaison  
Wendy Jones

Absent: Patrick Militello, *excused*

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 PETITION #2014-03:** Darryl Gapshes, 57210 Stonebriar Drive, Washington Twp., MI 48094 Requesting a 15' side yard setback variance along 24 Mile for a proposed new residence on a corner lot located on the south west corner of 24 Mile & Baker Roads.

Darryl Gapshes, 57210 Stonebriar Drive, Washington Twp., MI 48094 addressed the board.

Petitioner stated that he was requesting a 15' side yard setback variance on the south west corner of 24 Mile Road and Baker.

Mr. Leonard asked if the petitioner had any information on the home such as a visual elevation and square footage?

Petitioner replied that he has met with the architect and they printed out a concept home for the location and the surrounding area and it would be considered a custom type home.

Mr. Leonard asked if the proposed home was a two-story or a ranch?

Petitioner replied that it was a two-story.

Mr. Leonard asked if the petitioner had a copy of the plans, something he could pass around?

Petitioner answered yes and passed out the copies of the plans. He mentioned that the house is about 2800 square feet and it is only 45' wide. He stated that depth wise they have not done the engineering and are not sure of the length of the house.

Mr. Leonard asked if the house on the plans would fit on the property?

Petitioner replied that based on the topo, the unit may have to be shortened because the land contours and slopes back; both homes to the south have walk-out basements and until he does a topographic survey to see how deep the unit can go, he is not sure. He stated that the proposed plot plan shows 70' and the home depicted on the plans is 79'.

Mr. Leonard asked how accurate is the plot plan?

Petitioner answered that it is very accurate.

Mr. Leonard asked so with the variance that would be the footprint they could put on there?

Petitioner replied that if they see the unit on the plan with the rear yard setback at 35'; he stated that the initial home they proposed was 70'. He mentioned that meeting with the architect, this plan is 79' deep and until they do a topographical survey and he can see how far back the home can go, he does not know.

Mr. Leonard asked if the 70' included the area with the perforated line in the back?

Petitioner stated that he did not understand the question.

Mr. Leonard explained that he was looking at the footprint and he is seeing 70' on the left side and in the back there is a perforated line.

Petitioner stated that was extra area.

Mr. Leonard asked if that was part of the 70' or is that over and above?

Mr. Czuprenski stated that 70' is the dark solid line.

Mr. Leonard verified so the solid line is the 70'

Petitioner stated that the 70' is the solid line on the plans and he thought the house could go back another 20' depending on the topographic survey.

Mr. Leonard asked what the topo was going to do? He asked if there was a slope back there?

Petitioner replied yes the property falls off in the back.

Mr. Leonard asked if the petitioner planned to put a basement under the home?

Petitioner replied yes, definitely. He is not sure if it would be a walk-out or not.

Mr. Leonard verified so if the petitioner needed 79' they could push into the area with the dotted lines and end up with a larger home. He asked how wide was the proposed drawing?

Petitioner replied 45'.

Mr. Leonard stated so the home could fit on the property with the 45'.

Petitioner answered yes.

Mr. Leonard asked how accurate the print was and if what they are looking at was what the petitioner planned to put on the property?

Petitioner replied yes. He mentioned that he went through a lot of plans with the architect and he felt this home was perfect for the neighborhood; with the elevations, the dining area at the front and the two-car garage.

Mr. Leonard stated so the petitioner may have to modify the plan a little and end up with a little less square footage, but this would still be the look that he would be going with.

Petitioner replied correct, that was what he was proposing.

Mr. Klonowski commented that if the petitioner would build within the ordinance, he would end up with a very narrow long and a much smaller house and he wondered if they would be out of character with the other homes in the area.

Ms. Jones had no questions.

Mr. Anderson stated that he was looking at the location of the electrical poles and asked if they would need to be relocated to other areas?

Petitioner replied that the poles would have to be moved and he already met with Detroit Edison. He stated that is not cheap, but the poles can be moved. He explained that he had already spoken with the Township DPW and there is an existing sanitary lead for this lot so utilities are accessible.

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

Mr. Czuprenski stated that one thing they had noted was there were no sidewalks on the property, but there is a sidewalk ordinance and he did not know how the petitioner planned to address that, whether he planned to put money into escrow to allocate for sidewalks should they come up in the future.

Petitioner asked for both 24 and Baker?

Mr. Czuprenski replied yes.

Chairman Stepnak explained that basically with all new home construction sidewalks would be required even if there is not an avenue for the sidewalk to go at this time. So if the petitioner put money in escrow and sidewalks are put in at some time, this home would have money allocated for the sidewalk.

Petitioner stated that he bought in a subdivision; he would just put the sidewalk in and not have to put money into escrow ahead of time.

Chairman Stepnak stated that they would probably require the sidewalks to match up.

Mr. Czuprenski stated that since there is no sidewalk to match up to, there is no sidewalk shown on the plans and he does not know where to have the petitioner put a sidewalk at this stage. So generally, they would have the petitioner put money in escrow, since it is new construction, so if the petitioner sold the home, there is money there for when the sidewalk does come through.

Chairman Stepnak asked if there were sidewalks in front of the yellow house, Angers, which would be two doors away from this home?

Mr. Czuprenski stated that the sidewalks stop at the corner house on Weathervane.

Petitioner explained that obviously he planned to submit a more detailed plot plan for review with elevations and the sidewalk could be shown at that time. He could meet with the Road Commission and ask them where they would want it to go on 24.

Petitioner asked what if the Road Commission does not require a sidewalk because of the bridge?

Chairman Stepnak stated that he thought the petitioner could come in front of the ZBA and request to be alleviated from obligation of putting money in escrow.

Mr. Czuprenski commented that he only brought it up because the sidewalks were not shown on the plans and he just wanted to make the petitioner aware that he may have to put money in escrow for the sidewalks.

Petitioner stated that if the final plan is submitted for the building permit with the sidewalks and they were not put in the Building Department would not give him a final on the home.

Mr. Czuprenski replied exactly, but the petitioner could put up a performance bond for the sidewalks that would be fine. He stated that if the sidewalks are not shown because there is no where to connect them to at this time, because of the ordinance, they can require him to put money in escrow.

Chairman Stepnak mentioned that they have entertained variances on Baker and 24 Mile. He stated that the board understands that this is a difficult area to construct in with the setbacks and those are practical difficulties. He mentioned that the slope at the back of the property, the topo, and the grade those are also difficulties and what the board considers when they receive requests for variances. This particular property does have issues that the ZBA would consider practical difficulties. He also noticed that the petitioner did follow through and visit with Mr. Lovelock, the Township Supervisor, Mr. Shortt from the Building Department, R.J. from the DPW, and Detroit Edison, so the petitioner has done his homework and the board applauds that.

Petitioner explained that he also contacted the Macomb County Road Commission and he was not sure he submitted the letter from them.

Chairman Stepnak stated that he did see the paperwork from the Road Commission and again the board appreciated and looked favorably on the petitioner's work.

Public Comments:

Nadine DeAngelo, 52901 Baker Road, Chesterfield, MI 48047 addressed the board.

Ms. DeAngelo stated that she lives next door to the home being built on the property and as long as it is a nice home, she does not have a problem with it.. She then made comments about her concerns over if she would still be able to have clear vision when driving out on to Baker Road and also the location where Edison planned to replace and/or move the new electrical poles.

Ms. DeAngelo then asked how an unbuildable lot become a buildable lot?

Chairman Stepnak stated that Detroit Edison would be relocating the poles within the proper distance and the Township really had nothing to do with that.

Petitioner replied that he could explain to the board the where Edison told him they would be putting the new poles.

Brent Cymbalski, 52438 Silent Ridge, Chesterfield, MI 48051 addressed the board.

Mr. Cymbalski stated that he was the son-in law of Ms. DeAngelo and his concern would be if the garage would come out would she have a tougher time getting out of the driveway, because that is already a tough intersection.

Chairman Stepnak asked Ms. DeAngelo and Mr. Cymbalski to go up and showed them the plans for the home and explained that there would still be plenty of a setback.

Chairman Stepnak stated that they would still make sure that the house is in the proper line and it will not cause a problem with the site line. He mentioned that he understood that it is a bad intersection. He reiterated that the petitioner has met with the Township Supervisor, the head of the Building Department, Edison, the Water Department and the Road Commission trying to get something going on the property.

Ms. DeAngelo then asked if the petitioner would be going into the water main?

Chairman Stepnak replied that the petitioner has already met with the Water Department and they do not have a problem with the plans.

Mr. Leonard explained that in reference to the lot not being buildable, he never recalled a person going through as much homework as the petitioner has with due diligence and maybe the other people did not pursue the issue or do the research like the petitioner.

Mr. Cymbalski asked how far the edge of the house would be to 24 Mile?

Mr. Leonard answered 80' to the center of the road.

Mr. Cymbalski asked how far from the shoulder of the road?

Mr. Czuprenski stated that there is an existing right of way on 24 Mile of 66'. He stated that it would be about 50'.

Mr. Cymbalski asked the width of the lot?

Mr. Czuprenski replied that it is 130', he stated but that would be to the center of 24 Mile Road.

Mr. Leonard stated that would make the property about 100' wide.

Mr. Cymbalski asked the normal setback for a home?

Mr. Czuprenski told the petitioner that this is not a normal setback. He mentioned if this home was in a subdivision it would be a 35' setback, but because this goes to the road the petitioner actually has a 95' setback from the center of the road. So if they went 95' that would be to the dotted line and the petitioner is asking for a 15' variance to get to 80'.

Mr. Cymbalski stated okay 80' to the center of the road. He commented that that was scary, but he got it.

Chairman Stepnak stated that someone has to pay taxes on the lot and it still has to be maintained.

Mr. Cymbalski asked who owns the lot right now?

Chairman Stepnak replied that he did not know and if the petitioner was building the home to spec or if the house was for himself that is not something they entertain at this stage of the game. He stated that the only thing that concerned the ZBA was the variance that the petitioner complies with the rules and codes of the community.

Chairman Stepnak asked the petitioner to come up and elaborate on the location of the electrical poles?

Petitioner stated that he met with the Planner of Detroit Edison and the poles would be moved to the north into the road right-of-way. He mentioned that four poles have to be moved and they were all going to be moved to the north.

Chairman Stepnak commented that most of the time the poles are put in the right-of-way.

Mr. Leonard stated that the poles now are closer to the property line to the south.

Petitioner stated that they would now be within the future proposed 50' right-of-way and they will do that with the County Road Commission.

Mr. Leonard mentioned that most likely the poles would have to be moved before the construction begins.

Petitioner stated that there were two issues with the lot. One was that it is zoned as R1A and the hardship would be that it is a corner lot. He assumes that when the planners did the lots they did not consider the 95' setback. He stated to address Ms. DeAngelo's concerns, this home will be a much nicer home than if he does not get the variance, because that would mean a 30' wide home. The reason it was not practical in the past to build on the property was probably because of the great expense to move the poles.

Petitioner stated that he loved the plan for the home and obviously he would have to get the topographic survey first, but he wondered if the Building Department would have to approve the house. He stated that he had no intention of putting anything on the property that would not fit in with the surrounding community. He mentioned that in a subdivision a person is limited on what they can build and the size of the homes.

Chairman Stepnak stated that the petitioner would have to submit plans for the home he showed the board this evening and a smaller home would not be feasible with all the expense that is being incurred with the property. He asked Ms. Jones the value of a home of this kind of home?

Ms. Jones estimated it to be worth about \$350,000 to \$400,000 because right now they assume the home will be approximately 3000 square feet.

Petitioner stated that the home would be about 2800 square feet and that figures because they go at about \$100 a square foot.

**Motion** by Mr. Klonowski to approve Petition #2014-03. The variance would be allowed because the petitioner does face a practical difficulty and the home would blend in with the community. He added that to build a smaller home on the property would be impractical and it would not conform with other homes in the area.

**Supported** Ms. Jones

**Ayes: All**

**Nays: None**

**Motion Granted**

Chairman Stepnak reminded the petitioner that the variance has a six month window and to see the Building Department for all the proper permits.

**5. OLD BUSINESS:**

There was no old business.

6. **NEW BUSINESS:**

Mr. Yaschen commented that there were two petitions on the agenda for the next meeting.

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

**Motion** by Mr. Yaschen to approve the minutes from the January 8, 2014 meeting.

**Supported** by Mr. Klonowski

**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 7:42 PM

**Supported** by Ms. Jones

**Ayes: All**

**Nays: None**

**Motion Granted**

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*Thomas Yaschen, Secretary*

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*Grace Mastronardi, Recording Secretary*