

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

February 12, 2014

On February 12, 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
Patrick Militello
Wendy Jones

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 #2014-04:** Susan LaMay, 45821 Edgewater Drive, Chesterfield, MI 48047. Requesting a variance to allow a fence in the front yard due to a corner lot residence, petitioner is asking to replace old fence panels with new fence board, leaving original fence posts. Location is stated above.

Susan LaMay, 45821 Edgewater Drive, Chesterfield, MI 48047 addressed the board.

Petitioner stated that she was requesting a variance to replace some old fence panels and to keep the fence. She lives on a corner lot and the fence has been in existence since she purchased the property in 1988 and all she really did was replace the existing board because the fence has deteriorated over the 15 years.

Mr. Anderson had no questions.

Ms. Jones asked if the petitioner stated that she purchased the property in 1988?

Petitioner stated that she meant 1998.

Ms. Jones stated so the fence already existed and the petitioner just made some minor repairs to it correct?

Petitioner replied yes, she just put new wood fence boards on it. She handed a copy of her mortgage inspection to the board and she pointed out that it clearly showed the fence that was in existence at the time of purchase. She mentioned that she had two letters from her neighbors that support her petition.

Mr. Klonowski asked if the out line in yellow of the fence on the submission went all the way to the corner of Edgewater?

Petitioner replied it does not. She explained that originally in that picture there was a cyclone fence and then the wood fence continued from the back of the house to the bridge about 1/3 of the way.

Mr. Militello had no questions.

Mr. Leonard asked if the privacy fence is going to be where it currently is located which just goes to the rear of the house and it does not go past that?

Petitioner replied that was correct.

Mr. Leonard asked so the highlighted area is not proposing to go further?

Petitioner replied no it is not. She may have just over highlighted it.

Mr. Leonard stated that he noticed some framing for a chain link fence on the paperwork on the picture.

Petitioner stated the chain link fence was originally there when she purchased the house and she removed it.

Mr. Leonard asked the petitioner so from the edge of the privacy fence going toward Edgewater if she planned to put any additional fencing?

Petitioner replied no.

Mr. Leonard verified so what the petitioner is requesting is what is already there now and that is it?

Petitioner stated that she just wants the fence already there to stay.

Mr. Leonard state that from the picture it appears that the poles are the original ones and he assumes that they are pretty solid.

Petitioner replied yes.

Mr. Yaschen asked so he understood it the fence was already in place?

Petitioner replied yes. She had no idea it would be an issue to just replace the old boards.

Mr. Yaschen asked if the entire chain link fence has been removed?

Petitioner replied yes.

Mr. Yaschen read a letter from the petitioner's neighbor Steven Czechowski that supported the petitioner's request for the privacy fence.

Mr. Yaschen read another letter from Mr. Charles DeBoer, Sr. who is also one of the petitioner's neighbors. Mr. DeBoer was also in favor of the board granting the variance for the Ms. LaMay.

The letters were both retained for the ZBA records.

Mr. Czuprenski stated that the Building Department does not have any issues with the fence as long as it remains as it is.

There were no public comments.

Motion by Mr. Yaschen to approve Petition # 2014-02 for the variance to allow an existing fence on the canal lot at 45821 Edgewater. It is a fence that was in existence and there have not been any complaints from anyone in that subdivision or the community. Furthermore, granting the variance would not be contrary to the spirit or intent of the ordinance.

Supported by Militello

Ayes: All

Nays: None

Motion Granted

5. **ZBA #2014-05:** Steve Pallisco, 56660 Scheuer Rd., Chesterfield, MI 48047. Requesting a variance to be over the allowed square footage and height on a proposed accessory structure located at the address stated above.

Steve Pallisco, 56660 Scheuer Rd., Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was requesting a variance to put up a pole barn over the allowable square footage and height. He has an existing pole barn that is quite old, one wall is sagging about 2 ½" and the roof leaks quite a bit. He has lived at the property for 22 years and the structure was used as a horse barn. He cleared the stalls out and put some pavement in it to store some things. The pole barn is too small for what he has such as tractors, lawn mowers, vehicles and toys. He had someone look at the structure to see if he could fix it but it was not practical and is too small for him to use any more. He has some truck boxes there to store things such as his patio furniture and four-wheelers.

Mr. Klonowski asked why the petitioner needs the 25' height?

Petitioner stated that he and his wife have no children and they would like to purchase a motor home and travel around within the next few years and that is why they want the height.

Mr. Klonowski stated that the petitioner would be allowed a structure 1400 square feet with the ordinance and the petitioner would be asking for a 2600 square foot variance and with the garage being 672 would be an excess of 3200 square feet and that is a lot of space.

Petitioner replied that he has reconsidered the size because he measured some things that he has such as his work truck, pick-up, trailer, tractor, lawn mower, the motor home he plans to purchase and his toys.

Chairman Stepnak stated that the past practice of this board is not to allow a structure for the storage of toys and things of that nature. The board has looked favorably on structures with additional square footage for lawn equipment and things used for maintenance of the property. He then asked the petitioner if he planned to run a business out of the structure?

Petitioner replied that he does own a service business.

Chairman Stepnak asked if the petitioner planned to run the business out of the structure?

Petitioner answered no. There are two employees working himself and his nephew.

Chairman Stepnak asked if the petitioner would have any problem with signing an affidavit stating that he would not run a business out of the structure?

Petitioner replied no, absolutely not.

Mr. Klonowski stated that there are small barns in the neighboring area, but this would be extreme and out of character for the area.

Ms. Jones has no questions.

Mr. Militello stated that he agreed with James that it was excessive because the home on the property is only 1500 square feet.

Petitioner commented that his home does not have a basement for storage.

Mr. Militello agreed with Mr. Klonowski that the structure seems larger than they would want and it would not fit in that area of the community.

Mr. Leonard stated that he kind of agreed with what he has been hearing from the other board members. The pole barn would be three times the size of the petitioner's house and there is an attached garage. He mentioned that if this was a five acre parcel the board would not be struggling with anything approaching this size. He just thinks it excessive.

Mr. Yaschen asked if the petitioner planned to tear down the old barn and remove the truck boxes?

Petitioner replied absolutely.

Mr. Yaschen asked so everything for storage currently on the property would go?

Petitioner stated that the pole barn would be put in the same spot as the old barn and he would also remove the truck boxes. Petitioner mentioned that square footage he could make 50' x 60' work. He would definitely like to have 12' side walls and a builder friend of his told him that a 12' sidewall on a 50' width would be about 23' high. He stated that he thought he was requesting a 60' x 70' at 24' high, but this would probably be 22' something at 50' x 60'.

Mr. Yaschen asked if the truck box was added in to the square footage?

Chairman Stepnak replied no, and the truck boxes would have to be removed if anything would be approved that evening.

Petitioner stated that was his goal.

Chairman Stepnak asked if right now the structure the petitioner was requesting now is a pole barn 60' x 70'?

Petitioner replied right.

Chairman Stepnak stated that the board feels even for that region of the community the pole barn would be large and excessive. He asked if the petitioner now was proposing a different dimension on it?

Petitioner replied that he reduced the size to 50' x 60'.

Mr. Anderson had no comments.

Chairman Stepnak asked if the petitioner would be able to stay within the ordinance on the height of the structure?

Petitioner answered that he was not sure what was the height allowed by the ordinance?

Chairman Stepnak replied that the ordinance is 22' and he mentioned that the petitioner is asking for three extra feet.

Petitioner replied that he thought it would be very close.

Chairman Stepnak stated so the board would be looking at 50' x 60' x 22'.

Mr. Leonard commented that at 22' they could do a scissor truss on that which would increase the middle and they would have all kinds of height.

Petitioner replied that he was concerned about the pitch of the roof because he was told the wider the span the steeper the pitch should be for snow, otherwise it will just lay on a flatter roof.

Chairman Stepnak asked Dave about the size 50' x 60' with possibly a 22' height?

Mr. Czuprenski answered that based on a 60' width on a 4/12 pitch roof with a 12' side wall, it would just be over the 22' height at 22' 2". He stated that based on a 50' width on a 4/12 pitch roof it would be under the 22' at about 20' 9".

Petitioner stated that he guessed it mattered which way the trusses would be put on.

Chairman Stepnak stated so if the board considered 23' that would only a foot over the variance. He asked Mr. Klonowski what were they looking at as far as the square footage of the structure?

Mr. Klonowski replied that they were still looking at 3000 square feet plus the garage.

Chairman Stepnak stated that the accessory building would still be about twice the size of the petitioner's home.

Mr. Leonard asked Mr. Czuprenski with the 50' x 60' and the 23' height and 4/12 would be the pitch with that?

Mr. Czuprenski stated that with a 50' width and a 4/12 pitch the petitioner would not need a height variance.

Mr. Leonard asked Chairman Stepnak if the board was entertaining over the 22' height?

Chairman Stepnak stated that Mr. Czuprenski mentioned the 22' 2" height and since the petitioner originally requested an extra three feet, he thought they would go with one extra foot for construction purposes. He stated that the board also has to consider the size and that 50' x 60' is huge. He mentioned that for all intensive purposes the barn would be twice the size of the petitioner's house.

Mr. Leonard asked if the petitioner put up the pole barn all the existing storage such as the old barn and the truck boxes would be gone?

Petitioner replied yes.

Mr. Leonard asked what was perforated line in front of the attached garage?

Petitioner stated that it was pavement slab.

Mr. Klonowski asked the size of the existing building?

Petitioner replied 26' x 45' and he assumes it was built in the early 70's.

Chairman Stepnak asked if the construction material of the pole barn would resemble the house?

Petitioner replied yes, taupe color with white trim like the house. He stated that his neighbor's house does sit further back and he can see the old barn and the truck boxes and he would like to clean it all up.

Mr. Leonard asked about the roof of the proposed barn would it be metal?

Petitioner answered yes it would be metal.

Mr. Leonard commented so the snow would not hang on the roof like it would for shingles and if there are concerns about snow load, the petitioner can always beef up the trusses to allow for that.

Chairman Stepnak stated that originally the petitioner came in front of the board requesting a 60' x 70' structure and he has revised his request to 50' x 60' and 23' in height. He mentioned that what the board still has to consider is that the pole barn would then be twice the size of his house. He mentioned that he wanted to know from the board members how they were feeling about the variance at this point. He asked Mr. Leonard if he thought it was still too big?

Mr. Leonard stated that it was large and it looks like it is screened because it would be placed behind the house so people would be less likely to notice it straight on, but would notice it when driving by because he did not think there were a lot of trees for screening.

Petitioner stated that in the summer to the north of him there are trees in the ditch and the fields and that would provide some screening, but this time there is no foliage.

Mr. Leonard stated that within the ordinance he would be allowed 1400 square foot accessory building and if he had a basement at 1500, it really would not be that much off considering they are looking at something 3000 square feet. He stated that he would struggle a little more with the 3000 structure if the petitioner had a basement but at this time he is rationalizing the need and the practical difficulty of not having a basement.

Mr. Militello stated that scaling it down a little bit like the petitioner proposed and knowing that the current pole barn and the truck boxes will be removed, he is feeling a little better about it. He asked the height of the home?

Petitioner replied that he did not really know the height of the home. He stated that his garage has 9' walls and it is the highest part of the structure.

Mr. Militello asked if the petitioner thought the pole barn height would exceed the height of the home?

Petitioner replied that he thought it might exceed it by a little bit because the pole barn would have the 12' walls. He thought that the garage was probably about 15' high.

Chairman Stepnak stated that the problem is the board is sitting there designing the pole barn and that is something they should not be doing.

Mr. Czuprenski stated that there are some large barns in the area, just not on that size parcel. There are some larger pole barns right across the street on farms and it is a highly agricultural area. This is not considered agricultural, but he does not think it would be excessively obtrusive for the area. Judging by the Google Earth picture, what the neighbor to the north would see with the new structure would be greatly improved from what is there now with the old barn and the truck boxes.

Mr. Klonowski stated that there is a big difference between residential and agricultural and he thought there would be big problems if they start to blend those two together.

Chairman Stepnak stated that the motion would be for a 50' x 60 structure with a maximum height of 23' and all the other structures and storage units would have to be removed from the property. He stated that the petitioner would also be required to sign an affidavit in recordable format stating that he will not run a business out of the structure.

Motion by Mr. Yaschen to approve Petition # 2014-05 for a 3' height variance and the request of the variance would not be contrary to the ordinance due to the fact that the land is agricultural in the area and there are no residential areas nearby. He added that there are larger barns in the area. He stated that the petitioner would be required to remove all existing buildings and truck boxes on the property. The size of the structure would be 60' x 50' x 23'.

Chairman Stepnak stated that the ordinance for this type of structure is 22' height and the board would be allowing 23' which would only be a 1' height variance instead of the 3'.

Supported by Mr. Leonard with that correction. He added that electricity would be allowed in the structure and something for a heat source, if the petitioner felt the need to use propane or gas to work out there in the winter. He would be okay with the addition of those two utilities.

Mr. Klonowski requested another addition to the motion that the petitioner would be required to sign an affidavit in recordable format that he will not run a business out of the structure.

Mr. Yaschen agreed to the correction and the additions to his motion.

Mr. Leonard continued support.

Ayes: Yaschen, Leonard, Stepnak, Anderson, Militello and Jones

Nays: Klonowski

Motion Granted

Chairman Stepnak stated that 23' is the maximum height but try to keep it down during construction by a few inches so when the inspector measures it out the height is not over what the board has allowed; the 23' adds a buffer that the board is allowing the petitioner.

6. **OLD BUSINESS:**

There was no old business.

7. **NEW BUSINESS:**

There was no new business.

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

Motion by Mr. Yaschen to approve the minutes from the January 22, 2014 meeting.

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

9. **COMMENTS FROM THE FLOOR:**

There were no comments from the floor.

10. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:38 PM

Supported by

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary