

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

March 26, 2014

On March 26, 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
Patrick Militello
Wendy Jones

Absent: Hank Anderson, Township Board Liaison, *excused*

Gary DeMaster attended the meeting as the representative from the Building Department.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA #2014-07:** Atlantic Homes, Inc., Stefano Caccamo, P. O. Box 380704, Clinton Township, MI 48038. Requesting a front yard setback for a new residence on a corner lot at 34209 Jerome.

Stefano Caccamo, P. O. Box 380704, Clinton Township, MI 48038 addressed the board.

Petitioner stated that he was requesting a front yard setback for a new home on Lot 3 of Secluded Woods Subdivision, better known as 34209 Jerome Drive, which is actually located on the corner of Jerome and Edith. He explained that he needs a variance due to an easement on the left-hand side and the usual setback of 30' given that it is a corner lot which requires two 30' setbacks one on Jerome in the front and at the side on Edith. He explained that in order for the home to fit on the lot, he is asking for a 5' variance for the side yard on Edith and the home to be 25' back instead of 30'.

He stated that he sent in paperwork which explains all the reasons for the variance and there are also other home across the street and down the road on Edith which do not meet the 30' setback requirement.

Mr. Leonard asked the square footage of the proposed Home?

Petitioner answered approximately 2010 square feet.

Mr. Leonard asked who designed the home?

Petitioner replied that it was one of his designs for homes in that subdivision.

Mr. Leonard asked so there are other home designs that could fit that lot?

Petitioner replied yes, but not in a ranch style home; only a two-story. This home was sold under contract to buyers who requested a ranch style home. The owners do not want a two-story house.

Mr. Leonard stated that he did not get a chance to go over there. He asked if this was one of the last lots available in the subdivision?

Petitioner replied pretty much. He stated that the only other lots he has in that subdivision back up to the woods on Edith between Jerome and Lakewood.

Mr. Leonard asked proportionately did the petitioner think the subdivision was about half ranch homes and half two-story homes?

Petitioner replied that yes he thought the subdivision was about a 50/50 split between ranches and two-story homes.

Mr. Leonard asked if that was a new subdivision?

Petitioner answered no it has been around since about 2004.

Mr. Leonard asked if the petitioner could just put the home back another five feet?

Petitioner replied that he could not go back another five feet. The property is a square lot and he also has to maintain a minimum of 35' from the rear of the home to the rear property line.

Mr. Leonard asked how far is the existing residence on the other side?

Petitioner replied that he was not sure, but he would guess it was about 8' to 10'.

Mr. Klonowski stated that basing the request on the comparison the petitioner is making about homes with lesser setbacks on the other side of Edith is not valid because that is in an older subdivision. He stated that the newer homes on the same side of the street do line up. He asked the petitioner if this home would be 5' over from the other homes that exist on Edith?

Petitioner replied that the only difference would be that this house would actually be facing Jerome and the other homes on Edith are actually facing Edith. He stated that this home would be on Jerome with the side of the house on Edith.

Mr. Yaschen had no questions.

Ms. Jones had no questions.

Mr. Militello had no comments.

Chairman Stepnak stated that his only concern would be that they are looking at a subdivision where the builders go to the Planning Commission who took the time and due diligence and they go through the property and lay things out and in the subdivision all the properties are supposed to be buildable lots. Then several months' later builders come to the ZBA for a variance because they want to do this or that and this particular house does not fit on a certain lot. He stated that that area has been laid out since 2004, but there are some bigger homes being built next to existing homes and it looks like a more upscale subdivision with quality homes being built.

Mr. DeMaster stated that he understood why the petitioner was seeking the variance. He explained that the side yard setback would be shorter if not for the easement on the side. Normally there is an easement at the front and or back of a property, but this is unique because there is an easement on the side. He does not have a problem with the variance.

Chairman Stepnak asked if Atlantic Homes has been working in the community for some time now?

Mr. DeMaster replied yes.

Chairman Stepnak asked how has there rapport been with the Building Department?

Mr. DeMaster replied excellent.

There were no comments from the public and there was no correspondence received by the Township on this matter.

Mr. Leonard agreed with the Chairman that these are always buildable lots and there is always a home plan that will fit on any lot out there. He stated that being said, he can appreciate that there is a 14' 5" easement there and because it is one of the last homes being built there it is kind of done. He does not remember any other variances given on properties in the subdivision; this might be the only one and probably the last one.

Motion by Mr. Klonowski to approve Petition # 2014-07. The reason for approval was that the easement does cause a practical difficulty.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

5. **ZBA #2014-08:** Larry Cynowa, 27260 Bertrand St., Chesterfield, MI 48051. Requesting a 20' x 20' second garage. Petitioner has an existing attached 483' garage and is proposing a detached 20' x 20' located at the above address.

Larry Cynowa, 27260 Bertrand St., Chesterfield, MI 48051 addressed the board.

Petitioner stated that he was requesting to build a 20' x20' garage to replace a 12' x 8' shed in his back yard. The shed was built by prior owners and was constructed on wood not cement; the shed is rotting from the ground up. He explained that he would like to go bigger because he does not have a basement for storage and his existing garage is small.

Mr. Klonowski asked if the size of his existing attached garage is 483 square feet?

Petitioner replied that he measured it as 450 something square feet and according to the Township it is 483 square feet.

Mr. Klonowski asked and the petitioner is requesting another 400 square feet for the additional garage?

Petitioner commented that he thought that was the maximum he could go.

Mr. Klonowski stated that the petitioner would need a variance because it is larger than 10' x 12'. He stated that the petitioner could actually have a 920 square foot garage except there is no really buildable area to attach the larger garage. He mentioned that the petitioner does not have a basement for storage and the area at the back of the petitioner's home is wooded, so he really does not have a problem with the garage.

Mr. Militello agreed with Mr. Klonowski and the existing shed is looking pretty shabby, so this garage would definitely be an upgrade to the petitioner's yard and the community. He stated that with the property being wooded in the back, he does not see that the garage would be a detriment to the surrounding neighbors or the area. He stated that he does not have any issues with it either.

Ms. Jones asked if the petitioner planned to put any utilities in the garage?

Petitioner replied no not at this time; he stated maybe down the road.

Mr. Leonard asked the petitioner if he had a basement?

Petitioner replied no.

Mr. Leonard stated that in the mortgage survey states framed residence with basement.

Petitioner stated that he does not have a basement, his house is on a crawl space.

Mr. Leonard stated that it is a mortgage survey so chances are is that it is not accurate. He explained that he believed the petitioner only has a crawl space regardless of the mortgage certificate and he can see the need for more storage. He mentioned that the petitioner does not really have the room to add on to his existing garage and that garage is small. He mentioned that he would also not have a problem if the petitioner wanted to put electrical out in the garage in the future.

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

Mr. DeMaster stated that he was concerned because he did not see the dimension from the proposed garage to the pool. He explained that the garage would have to be at least 10' away from the pool.

Petitioner stated that a lady from the Building Department called the house and asked about that and they measured it out and there is room with the easement so they will make sure the garage will be 10' away from the pool.

Mr. Klonowski asked the petitioner the proposed height of the garage?

Petitioner stated that he did not know. It would be a standard 20' x 20' garage.

Chairman Stepnak asked Mr. DeMaster since the dimensions are 20' x 20' they probably would not have a problem with that?

Mr. DeMaster replied that he did not think there should be a problem with it.

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

Petitioner replied no.

Chairman Stepnak stated that if the garage is approved, the petitioner would be able to put electricity in the structure.

Motion by Mr. Klonowski to approve Petition #2014-08 for a 20' x 20' garage. The petitioner must meet the height requirement of the ordinance, make sure the structure is 10' from the pool and comply with all the Township building codes. He stated that the petitioner would be able to put electricity in the garage at his discretion.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

6. **ZBA #2014-09:** Sur-Form, 50320 Russel Schmidt Blvd., Chesterfield, MI 48051. Requesting a variance to Sec. 76.213. Minimum number of off street parking spaces. Use, (7) a., Industrial, wholesale or warehouse for the address stated above

Bill Thompson, 17001 19 Mile Road, Suite 3, Clinton Twp., MI 48038-1203 addressed the board.

Petitioner stated that he was representing Sur-Form a plastic company which manufactures automobile parts; they are currently in Fraser and they have outgrown their building. The company found this site in Chesterfield and the size is right for their growing business. He stated that they need a little room for storage and because of the way the building is configured the exit is at the east end which right now is a loading dock. The loading dock does not work for them so they want to put a ramp from the loading dock to the grade which would make it about 50' long. He explained that they want to close up that area for storage and make a 5400 square foot addition to the building which would bring it up to 50700 square feet which would require 107 parking spaces according to the ordinance. He stated that they can get 93 parking spaces in there without any problem, so that would require a variance for 14 parking spaces.

Chairman Stepnak stated that he knows that this has been presented to the Planning Commission and he asked Mr. Leonard if he had any input on the matter.

Mr. Leonard stated that he discussed the matter with Mr. Patrick Meagher and the Planning Commission does not have any problems with it if the Zoning Board feels the same way about it.

Chairman Stepnak asked if the people involved in this development been cooperating with the Planning Commission as far as bringing it up to specifications?

Mr. Leonard stated that he believed that this was the only thing they were concerned about and they were just trying to make it work out.

Chairman Stepnak stated that he thought that area was developed about 20 years ago.

Petitioner stated that he put the sanitary sewer in there when he was in college in 1969 so it has been there for about 50 years.

Mr. Yaschen had no questions.

Ms. Jones had no comments.

Mr. Klonowski stated that he had no problem with it. He remembers in early 2000 having a discussion about parking in many of these industrial areas and it was stated that most of these businesses are automated now and they do not need that many spaces. He mentioned having a discussion with Mr. Meagher on the matter and that they thought it was fine unless a labor intensive company comes in and then they would need those spaces. At that time, they had decided to pave the areas that were needed and leave the other areas as green space for potential parking. He stated that he had no problems with this.

Mr. Militello had no questions.

Mr. DeMaster stated that the Building Department had no problems with it.

Chairman Stepnak stated that he had no problems with the variance. Developments change and they would like to see the buildings and business in the Township. He does not think that this is an outlandish request and he feels this is quite normal and they should move accordingly.

Motion by Mr. Yaschen to approve Petition # 2014-09 to reduce the parking spaces to 93 due to the constant changes of developments in industry and allowing this would not give any special privileges that would not be allowed to other businesses in that industrial area.

Supported by Mr. Ms. Jones

Ayes: All

Nays: None

Motion Granted

7. OLD BUSINESS:

There was no old business.

8. NEW BUSINESS:

Chairman Stepnak asked Mr. Leonard about a sun roof company and footings? He stated that he thought he read from the Planning minutes that they were going to come in front of the ZBA for an interpretation.

Mr. Leonard stated that this guy from Temo came to the last Planning meeting and was trying to make a point on how expensive it was to do a footing and the numbers he presented were outrageous. They do not want to put footings under their sun roofs.

Mr. DeMaster stated that any structure in the Township has to have footings.

Mr. Leonard stated that there was some questioning of interpretation of the ordinance, that Mr. Shortt enforced the rule that there had to be footings under any structure.

Mr. DeMaster stated that any structure that has a roof over it requires a footing. An awning which is more material and not a permanent structure does not require a footing. However, what Temo is putting in is a roof and it does require a footing. He stated that the guy from Temo only wants to put in a slab and that is not going to work. The Township officials, the previous Building Department heads Ken Miller, Mr. Shortt and everyone else agreed that any structure with a roof requires a footing.

9. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the February 12, 2014 meeting.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

10. **COMMENTS FROM THE FLOOR:**

There were no comments from the floor.

11. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:34 PM

Supported by Militello

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary