THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS

May 14, 2014

On May 14, 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, Twp. 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 #2014-11:** James E. Ayers, 50125 Maurice, Chesterfield, MI 48047. Variance requesting a 2nd attached garage to their home. They have a 600' attached existing and they are proposing an addition of a 988' attached garage. They would be over the allowable square footage by 668'. Petitioners have .91 acres of land.

James D. Ayers, 50125 Maurice, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was there to get a variance. He explained that initially he went to the Building Department and the director at the time, Shawn, told him what he wanted to do was fine as long as it was attached to the house. He stated that he got a contractor to draw up a set of plans and when he went to the Building Department he was told that Shawn had retired. He stated at that time he was told that he could not get a permit and had to go to the ZBA for a variance.

Chairman Stepnak stated that a lot of conversations may take place in the field with inspectors and what not; however, nothing is etched in stone. The petitioner needed to file the paperwork and it had to be approved in writing before there was a final decision.

Mr. Leonard asked how many square feet is the petitioner's home without the garage?

Petitioner replied that the home is about 1300 square feet.

Petitioner's wife made a comment to the Petitioner.

Petitioner then stated that the home is about 1700 square feet.

Mr. Leonard mentioned that it looked as though the petitioner had some added trusses so he assumed there would be a lower level garage and then more storage above with the attic trusses.

Petitioner stated that there was going to be an attic.

Mr. Leonard explained that he was going to listen to the other board members but first off he thought it was way too much and with all the different door applications this garage would allow five vehicles, while the ordinance only allows four. He mentioned that the structure would be two stories and it dwarfs everything else on the property. He added that he has some real concerns. He does belief that the petitioner should have some relief for storage because they have no basement, but he is having a real struggle with the size of this.

Mr. Klonowski stated that he agreed with Mr. Leonard and that this was a little too much for the area and the square footage is excessive.

Ms. Jones commented that she also agreed with Mr. Leonard that the size of the structure was excessive.

Mr. Militello stated that they were looking at a garage at 1588 square feet and the home is 1746' which would be an out building that would almost be the same size as the home. He commented that it seemed a bit excessive.

Mr. Yaschen mentioned that he agreed that the structure seemed a bit excessive. He asked Mr. DeMaster if there were any concerns from the Building Department.

Mr. DeMaster stated that he agreed the structure is excessive considering the size of the house and it walks over all the ordinances.

Chairman Stepnak stated that he read the paperwork and agree the petitioner needs some storage; however, the size of the garage seems excessive. He asked the petitioner the reason he was requesting this size of structure?

Petitioner replied that he told the contractor if he was going to build something make it something that was a good size because he has a lot of thing and lacks storage.

Chairman Stepnak stated that people come in and want to build these massive structures for all their toys and that is not really the intent or purpose of the ordinances as they are written. According to the ordinance, a person can have up to a four-car attached garage. He understands that the petitioner needs a place to store his lawn equipment and mowers and the board would agree with that. However, if the board approves anything this large they are always concerned that someone may try to run a business out of the structure. He again asked the petitioner the reason he was requesting to build a structure this size?

Petitioner replied that if they were going to bother to build onto the garage, they wanted to have enough room to store all of their things and cars. He stated that at this time they are packed in their like sardines. He then mentioned that everybody on his street has some kind of huge building for storage.

Chairman Stepnak stated that the Township has ordinances and rules and the petitioner needs to demonstrate why he needs this space. He reiterated that he understands that the petitioner needs storage space; however the size of this structure seems to be excessive and actually dwarfs the current residence. He is still having a problem understanding what the petitioner needs this space for. He realizes that the petitioner cited other properties in the area with garages and if they came before the board and proved a practical difficulty and they might have been approved.

Petitioner mentioned that if he stated he needed his RV stored in the garage, then it would be okay.

Chairman Stepnak replied not really and that each petition is handled on its own merit.

Petitioner asked if those people down his street got variances?

Chairman Stepnak answered that he did not know.

Petitioner stated that he had pictures.

Chairman Stepnak told the petitioner that if he saw anything that looked as though it was not build properly, he has the right to bring it to the Building Department's attention during regular business hours. The petitioner would have to fill out a form and Code Enforcement will go out would do research to see if the structure was

actually approved or not and that would be a burden on that homeowner and they would have to come to the ZBA for permits. He asked Mr. DeMaster if he had any comments?

Mr. DeMaster stated that if the petitioner asked Shawn about this, he may have answered questions without any details. He explained that Mr. Shortt had 40 years of experience on the job and if he had known the specifics, he would have told the petitioner that he needed to get a variance from the ZBA. He stated that there might be large garages down the petitioner's street but nothing as excessive as this.

Petitioner commented that there were the same types of larger garages down his street.

Mr. DeMaster mentioned that he had driven down the street that day and there is nothing as massive as this structure. Furthermore, he can guarantee that if Shawn knew the size of the garage, he would have told the petitioner he needed a variance.

Chairman Stepnak stated that he did not see an overall plan and how this structure would tie in with the house. He asked Mr. Leonard for his comments.

Mr. Leonard stated that there were two different elevations; one is a two-story with a one-story ranch house. The garage would dwarf the house and it is just way more than would fit that property. He mentioned that it would not even look good from the street. He explained that the ZBA tries to accommodate petitioners to some point, but this is just excessive.

Chairman Stepnak explained that another problem is the two-story structure. He mentioned that the board cannot design the petitioner's project. He stated that there are very few two-story garages in this community.

Mr. Leonard stated that the upstairs calculates to another 532 square feet on top of the 988' downstairs and then there is a 12'x 16' breezeway which is roughly another 200'. He commented that it is just too much and he is overwhelmed with how much is there. He stated that the petitioner does need some storage space because there is no basement. He mentioned that as far as the other structures down the street, the board does not even know if they are legally there, how long they have been there and what board might have approved them. He stated that this structure is just not fitting visually.

Petitioner mentioned a very large garage across the street on a much smaller piece of property.

Chairman Stepnak reiterated that if the petitioner saw anything that looked as though it was not built properly, he has the right to bring it to the Code Enforcement's attention during regular business hours. He stated that he would like to come to some resolution on this matter.

Petitioner asked the Chairman to tell him what to do.

Chairman Stepnak stated that they had several options. They could Table this for a few weeks or maybe if Mr. DeMaster was willing they could take a 10 minute recess so he and the petitioner could go over the plans and figure something out.

Mr. Leonard mentioned that does not mean the ZBA will necessarily go along with the plans.

Mr. DeMaster asked if the Chairman wanted him go give the petitioner an opinion on how to make this a better project? He is not sure what he wants to do.

Chairman Stepnak stated that in the past the board would tell the petitioner to go visit the Building Department and Mr. Shortt or Mr. DeMaster would give him some input.

Mr. Leonard stated that without suggesting anything to the petitioner and just throwing out ideas. He explained that if the petitioner would entertain getting rid of the upstairs, since they have a ranch home, make the structure more conforming as far a roof lines, and come down on the size…. He asked how much smaller the petitioner would go on this?

Petitioner explained that he was not a builder and he does not know. He had a contractor sketch the plans up and he did not really pay attention to the square footage.

Mr. Leonard stated that this would be a great structure if you had 20 acres somewhere, but this would be in a subdivision and this would just be a big footprint to that area. He mentioned that he had a big problem with the upstairs and typically when entertaining these a two-car maybe 24' x 24' is something they would consider, so that is a suggestion. He stated that the 12'x 16 breezeway is also excessive and that a 6' breezeway would be okay.

Mr. DeMaster agreed with Mr. Leonard's suggestions to take the upstairs off and bring the size of the garage so it fits in with the area. He reiterated that the structures the petitioner is referring to down the street are not this size. He mentioned if the petitioner would come to the counter he would tell him the same thing. He does understand the petitioner has a hardship because there is no basement, but this is just too large.

Motion by Chairman Stepnak to take a 10 minute recess and return at 7:35 PM

Supported by Leonard

Ayes: All

Nays: None **Motion Granted**

Petitioner at 7:30 PM stated that he had made a decision and requested that the petition be Tabled so he can get back with his contractor because when talking about a 24' x 24' garage and taking out the 2nd floor, there really will not be as much storage space.

Mr. DeMaster stated that the petitioner could put an addition on to the house and gain some storage area without it being a garage. If it is truly storage the petitioner is looking for , he should build a storage room.

Petitioner replied that he was thinking about that, but what about the business with the 2nd story?

Mr. DeMaster replied that a shed or a garage is a different thing than a part of the home. The petitioner could put an addition on to his home.

Mr. Leonard stated that it might no be a bad idea for the builder to come back in case there are still some issues because the builder may comprehend all of the construction stuff and help the petitioner to resolve things if there are any more issues.

Mr. DeMaster stated that the petitioner and his contractor are also welcome to come in and talk to him to discuss anything.

Petitioner commented that it was hard to know when Mr. DeMaster is in the office.

Mr. DeMaster stated that he became the head of the Building Department about seven weeks ago and they still have not hired an electrical inspector, so he is still doing that job. He mentioned that if the petitioner calls to schedule an appointment, he would make sure that his is in the office to meet with him.

Chairman Stepnak stated that if the petition is tabled and there is a dramatic change in the plans the petitioner may be responsible for a mailing fee.

Motion by Mr. Klonowski to Table Petition #2014-11 to the June 11, 2014 meeting.

Supported by Leonard

Chairman Stepnak mentioned that it is the petitioner's responsibility to meet with the Building Department with the revised plans and also get together with Janice or Sherri in the Planning Department in case there are any costs incurred due to refiling and things of that nature.

Mr. Klonowski agreed with the addition to his motion.

Mr. Leonard continued support.

Ayes: All

Nays: None **Motion Granted**

5. OLD BUSINESS:

There was no old business.

6. NEW BUSINESS:

There was new business.

7. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the April 9, 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 Chairman Stepnak to adjourn at 7:38 PM

Supported by Mr. Klonowski

Ayes: All

Nays: None **Motion Granted**

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Thomas Yaschen, Secretary *Grace Mastronardi, Recording Secretary*