THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS

July 9, 2014

On July 9, 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
Hank Anderson, Township Board Liaison
Wendy Jones

Absent: Carl Leonard, Planning Comm. Liaison, *excused*
Patrick Militello, *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 D. Ayers, 50125 Maurice, Chesterfield, MI 48047. Variance requesting a 2nd attached garage to their home. They have a 600' attached existing, they are proposing an addition of a 988' attached garage, they would be over allowed square footage by 668'. Petitioners have .91acres of land. Tabled 5/14/14.

Motion by Mr. Klonowski to remove ZBA #2014-11 off the Table.

Supported by Mr. Yaschen

Ayes: All

Nays: None **Motion Granted**

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

Petitioner stated that the board instructed him to downsize his structure and he had some new plans and he reduced the size done to 24’ x 24’ with a small breezeway attached.

Chairman Stepnak stated that part of their conversation at the last meeting was instructing the petitioner to meet with the building inspector about some concerns the board had about the project. He asked Mr. DeMaster if the petitioner had met with him?

Mr. DeMaster stated that the petitioner did not schedule a meeting with him.

Mr. Anderson asked if the Building Department had any issues with it?

Mr. DeMaster stated that the height was reduced and it was smaller than it was.

Mr. Anderson asked if Mr. DeMaster had any issues with it?

Mr. DeMaster replied that if the board grants the variance, he does not have a problem with it.

Mr. Klonowski asked the height of the building?

Petitioner stated it was not in the paperwork but it was lower than the other one.

Mr. Klonowski found the height on the plans and stated that it indicated 16’4”. He also mentioned that the garage was still 24’ x 24’ and that was a sizable variance.

Ms. Jones had no questions at that time.

Mr. Yaschen stated that last time there was a problem with the attic space.

Petitioner stated that there was no attic space in the new plans; they are using trusses.

Chairman Stepnak stated that his problem with this one was there seems to be a lot of different parts and they have to remember it is the responsibility of the petitioner to prove a practical difficulty and he does not see it.

Petitioner stated that his practical difficulty is that he needs more storage space and he has no basement. He claimed everybody on that street has a second garage.

Mr. Klonowski stated that all the petitioner reduced was the height?

Petitioner stated that he also reduced the size of the garage.

Chairman Stepnak asked the original dimensions that the petitioner requested?

Petitioner replied that the size was 26' x 38'.

Ms. Jones stated that the original size the petitioner requested was 1588 square feet.

Public Comments:

Ed Minskey, 50099 Maurice, Chesterfield, MI addressed the board.

Mr. Minskey stated he lives next to Mr. Ayers and he has been there for 20 years. He stated that the petitioner was requesting a very large garage and he would not mind if he would locate it set back from the house. However, the location where Mr. Ayers plans to put this garage is on the property line and he will be forced to look at a five-car garage that will box in his lot. He requested that the Board deny the petitioner's request.

Petitioner stated that the garage would be set back at the end of his house and it would not be on the property line. He claimed that originally he was told by the head of the Building Department that he had to attach the garage to his home. After that gentleman left, the petitioner stated that he was told that was not true.

Chairman Stepnak stated that he cannot accept any statements about this because Mr. Shortt is no longer at the Township and whatever the petitioner tells us is hearsay. He explained that when the petitioner was before the Board originally, he was told to go meet with Mr. DeMaster, the head of the Building Department. He asked Gary when he was usually in the office?

Mr. DeMaster stated that he is in the office in the morning and in the afternoon every day.

Petitioner stated that he went to the Building Department to meet with him and was told Mr. DeMaster was not in the office.

Chairman Stepnak stated that the petitioner should have gone to the Building Department and talk to the girl there to find out when Mr. DeMaster is going to be in because there are times when Gary is out on the road. The petitioner could have requested to schedule an appointment with Mr. DeMaster. He is still having a hard time understanding what is taking place here with the dimensions and the practical difficulty.

Petitioner stated that he came back to the Board with what they told him to do. He stated that he wrote down exactly what they instructed him to do at the last meeting. He mentioned that he offered to discuss the matter at that time with Mr. DeMaster and they opted not to do that. He was told at that time to reduce the garage to 24' x 24'.

Chairman Stepnak stated that they were not going to have the petitioner redesign the garage at the meeting. He asked Mr. DeMaster to help him out on this because he is a little lost on where they are going with this. He stated that the petitioner has brought the structure down in size, but the board is still entertaining a structure that is out of place in the community and with the other homes on that street.

Mr. DeMaster explained that taking a look down the petitioner's street, most of the second garages are set back further from the home and are not attached. He was doing the math and with the 600' and this additional 576' feet that is 1176 square feet and with 910 feet allowed by the ordinance; that would leave a variance of 266'. He stated that the ordinance also states that a structure cannot hold more than five vehicles. He stated that any time he has seen variances on something this large they were for detached garages and behind the home or in a different area. He stated that he has not seen a home yet with a five-car attached garage. He commented that it would be unusual for the area and in fact for the whole Township.

Chairman Stepnak also stated that the Planning Commission there has been a sticking point with the five-car garages, where there are too many garage doors.

Mr. DeMaster explained that was the other problem the ordinances do not allow that many garage doors. He stated that with this variance they would be approving several things; not just being over the square footage.

Mr. Yaschen asked if the petitioner drew up the revision?

Petitioner replied that he went to Lumber Jack. Additional comments made by the petitioner were inaudible.

Chairman Stepnak stated that he understood that there are some larger garages on that street Maurice because is kind of a different development in the community. He asked if this would be considered a five-car garage?

Mr. DeMaster replied at least four.

Mr. Yaschen stated that the petitioner already has a three-car garage.

Mr. DeMaster stated that would make it a seven-car garage.

Chairman Stepnak stated that this board has granted larger garages for lawn equipment, but this is huge.

Mr. DeMaster mentioned that the problem would be that the petitioner is requesting that the garage be attached.

Petitioner asked what if he did not attach the garage?

Chairman Stepnak reiterated that they were not going to have the petitioner redesign the garage at the meeting.

Petitioner reiterated that he came back to the Board with what they told him to do. He wrote it down. He was told to get rid of the upstairs, reduce the size to 24' x 24' and lower the height. He stated that he has done all of those things and now they are still saying it is too big.

Mr. Yaschen replied it is; this would be a seven-car garage.

Ms. Jones asked if this was originally going to be a two-story structure?

Petitioner replied yes.

Ms. Jones asked if the top floor was now gone?

Petitioner answered yes.

Ms. Jones verified that originally the petitioner requested a structure 1588 square feet and not it has been downsized to 1176.

Petitioner replied that is correct.

Motion by Chairman Stepnak to deny Petition # 2014-11. Petitioner did not justify a practical difficulty in this matter. The petitioner currently has a three-car garage on his site. The community tried to work with the petitioner they feel this is a large structure and would have an impact on Maurice Drive and cause a practical difficulty to the residents of that area.

Supported by Mr. Klonowski

Ayes: All

Nays: None **Motion Granted**

Chairman Stepnak polled the Board for any additional comments: He stated that he made the motion and he believes he has given the reasons for denial.

Mr. Klonowski voted to deny and stated that he agreed with the Chairman

Ms. Jones voted to deny and stated that she agreed with the others.

Mr. Klonowski agreed.

Mr. Yaschen stated that he also agreed.

5. **ZBA #2014-13:** Steve & Linda Edgar, 32864 Greenwood, Chesterfield, MI 48047. Requesting a variance to allow a 27' round above ground swimming pool to be located in their side yard in lieu of rear due to several easements.

Steven Edgar, 32864 Greenwood Drive, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was requesting to put a seven foot above ground pool on their property. He explained that they have to put the pool in their side yard due to several easements at the back of their home.

Mr. Klonowski asked how close the pool would be to the property line to the east?

Petitioner replied that it would be about 60'.

Mr. Klonowski verified that the petitioner purchased the lot next door and asked if it was combined with their other property?

Petitioner answered that they purchased the property next door and they were combined into one parcel of land.

Ms. Jones commented that she drove by and remarked that it was a beautiful lot and there is obviously plenty of room over there to put in a pool. She did not have any questions?

Mr. Yaschen asked if the Building Department had any concerns with this?

Mr. DeMaster replied no. He stated that according to information he received from the Planning Commission about this subdivision was that they allowed all of these easements because the people had all the easements on their property the builders set aside land for a park so the residents would have an area to enjoy because they lost the use of their property with all the easements. Since the problems with the economy, that property has now been sold to the Anchor Bay School District by the developer which took the park-like setting out of the equation.

Mr. Yaschen asked the petitioner that since the property has been combined has it been deeded as combined?

Petitioner replied yes.

Chairman Stepnak stated that fact has been verified by the Township Treasurer and Assessor.

Petitioner stated that he was told the park was sold to a builder for back taxes and they have been blown away because this was set aside according to their by-laws for a park.

Linda Edgar, 32864 Greenwood Drive, Chesterfield, MI 48047 addressed the board.

Ms. Edgar stated that getting back to the pool, they have done a lot of work and their property is beautifully landscaped. She has spent a lot of money for pine trees and once they grow in no one will even be able to see the pool.

Public Comments:

Tracey Hurttgam, 32834 Greenwood, Chesterfield, MI 48047 addressed the board.

Ms. Hurttgam stated that she has lives a few doors down from the petitioners. They have lived in the subdivision for 14 years and she purchased in the area because the by laws required all pools to be in-ground and no privacy fences. She explained that she was told that she could not have an above-ground pool because of the by-laws. She explained that they have no by-laws now. She made comments about when homes are abandoned and when people have a pool and then the pool is abandoned. She did not want to deprive these people of their pool, but she just wanted to voice her opinion.

Chairman Stepnak stated that the problem is with by-laws is that the Township cannot really enforce these by-laws. He mentioned that currently they may have 2 or 3 homeowners associations that are still active. He stated in fact the only he could think of off the top of his head is Lottivue. He knew builders sell homes stating there will be an association and they will not allow pools, or fences and they will build a park. Unfortunately, it is up to the builder to get the homeowners involved and the problem with that if there are 80 homes in the subdivision; 80 people have to agree on everything and sometimes that does not work. He stated that when someone does something against the subdivision by-laws, the association cannot use the Township to settle the problem because the by-laws are not part of our ordinances. The Township is okay with above-ground pools as long as they are properly screened with a fence around it and security so children cannot go in to avoid any accidents. The petitioners have purchased the next lot and went through the process of adjoining that lot with that parcel. The petitioner's want to put a pool up and they have a practical difficulty because of the easements. If properties go into foreclosure, there are mechanisms in place to deal with that.

Motion by Mr. Klonowski to approve Petition # 2014-13. There is a practical difficulty is with the easements in the back yard. The petitioner has purchased a parcel next to his which is deeded to his property.

Supported by Mr. Yaschen

Ayes: All

Nays: None **Motion Granted**

6. OLD BUSINESS:

There was no old business.

7. NEW BUSINESS:

Chairman Stepnak mentioned receiving paperwork from the Michigan Society of Planners and asked Sherri in Planning to follow up and get back to them. He asked the recording Secretary to pass along the information to Ms. Gisler.

8. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the meeting on 6-25-14.

Supported by Mr. Klonowski

Ayes: All

Nays: None **Motion Granted**

9. COMMENTS FROM THE FLOOR:

There were no comments from the floor.

10. ADJOURNMENT:

Motion by Ms. Jones to adjourn at 7:44 PM

Supported by Mr. Yaschen

Ayes: All

Nays: None **Motion Granted**

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Thomas Yaschen, Secretary *Grace Mastronardi, Recording Secretary*