

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

August 13, 2014

On August 13, 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 Carl Leonard, Planning Comm. Liaison Patrick Militello Wendy Jones
Absent:	Hank Anderson, Twp. Board Liaison, <i>excused</i> Thomas Yaschen, Secretary, <i>excused</i>

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 #2014-15: Don & Karen Pensyl who reside at 51731 Leshan Drive, Chesterfield, MI 48047. Requesting a front yard setback variance for a proposed addition to an existing garage.**

Karen Pensyl, 51731 Leshan Drive, Chesterfield, MI addressed the board.

Petitioner stated that they were requesting to put an addition to their existing garage. She explained at the time when they built the home in 2012, they did not want the additional expense of the third car garage and now they are ready to add that third car area on to the existing garage. She state that when they talked to the builder and mentioned they would like to put in another car garage within the next two years the builder told them that would not be a problem; now when they want to build it, there is a problem. The gentleman who came out to look at the project told them they would need a variance because they were too close the side of the street. She explained that they are asking for a 10' x 20' brick addition to their garage; so they were requesting a 10' side yard variance.

Mr. Militello asked what was going to be the use of the third car garage area?

Petitioner stated that they were not going to be using it for a third car; it was going to be for storage of their lawn mower, lawn equipment and tools because they would like to keep both of their cars in the garage. They do not want to put up a shed because they do not think it is aesthetically pleasing and would prefer to use a garage for storage.

Mr. Militello stated that he was looking at their property and they do not have much of a back yard. He asked if the petitioner was just keeping one car outside at this time because the equipment is in the garage?

Petitioner replied yes.

Ms. Jones did not have any questions.

Mr. Klonowski asked Mr. DeMaster if this was considered a front yard set back?

Mr. DeMaster stated yes it would be considered a front yard set back because the house is on the corner. The property is R 1 B so there would be a 30' setback which would make this a 10' variance.

Mr. Klonowski stated that he did not get out to the property. He mentioned that on a corner lot his main concern would be site line issues for traffic. He mentioned that the petitioner's could put it in the back yard.

Chairman Stepnak stated that he thought the reason for the variance was because the petitioners wanted the storage area in their garage.

Petitioner asked if the board had received the pictures of the area and the approach?

Chairman Stepnak replied yes.

Petitioner explained that their home is in a semi-secluded area and their property is where the street T's, so they really do not get much traffic back there.

Mr. Leonard stated that the one picture on the side, looking at the back, shows a bunch of trees. He asked if that was on their property?

Petitioner replied yes.

Mr. Leonard asked what is that area back there?

Petitioner answered that is an easement and would not even come close to the garage area.

Mr. Leonard replied he knew that and asked if the trees were growing on the easement?

Petitioner replied yes.

Mr. Leonard asked what is that scribbled area on the paperwork in the back yard?

Petitioner answered that was their deck; then she stated no it was her landscape plan.

Mr. Leonard asked if they built the deck and how large is it?

Petitioner answered yes they built the deck and it is 16' x 24'.

Mr. Leonard asked if the deck was there at the present time?

Petitioner replied yes.

Mr. Leonard asked if the petitioner needed a variance for the deck?

Petitioner answered no.

Mr. Leonard asked if the 12' on the landscape drawing is inaccurate?

Petitioner replied yes the variance is for 10' and the board should really go with the other drawing.

Mr. Leonard stated that he had mixed signals because the one landscape drawing shows 12' and the other one shows 10'.

Petitioner apologized for any confusion. She reiterated that the variance would be for 10'.

Mr. Leonard stated that he also had a problem with the site line and maintaining the 30'. He mentioned that they deal with fences all of the time with people trying to push closer to the streets and sidewalks on the corner lots. He asked if the petitioner's built the house?

Petitioner replied yes with it in mind they were going to one day build a third car garage. She stated if she did it again, she would have just let the builder put in a three-car garage and there would not be any of these problems.

Mr. Leonard asked if there was room on the other side why didn't the builders just shift the house over so there would have been enough room for you to put on the addition to the garage now?

Petitioner replied that she did not know that the setback was 30'. She stated that she did not know why the builders placed the house on the center of their property, when the builders knew they were going to add the third car garage area. She stated that technically they should have moved the house 10' over because they have a lot of side yard on both sides, but no back yard.

Mr. Leonard stated that it looked as though there is 30' on the other side of the house.

Petitioner replied correct.

Chairman Stepnak stated that they hear this all of the time; the whole side yard, corner lot saga. He mentioned if the petitioners ever go around the older subdivisions they will see just how close some of the corner lots are to the street. The Planning Commission decided to use 30' setbacks so it would not look as though people were driving down a corridor when going down the street. At that time, they also decided to make sure corner lots were made larger to allow the homeowner to have more space so there could be larger setbacks and a more open air view to the community. He understands that the petitioner had a conversation with the builder who probably led them down the wrong path and now they are in a difficult position. He asked if Mr. DeMaster and the Building Department had any concerns?

Mr. DeMaster stated that the petitioner has two front yards and that is why they would like to keep that space open. He mentioned that he knew the petitioner's were not interested in building a shed, but there is room to build one out of the easements and within the setbacks.

Public Comments:

Gail Breece, 51743 Leshan Dr., Chesterfield, MI addressed the board.

Ms. Breece stated that she was a neighbor of the petitioners and she had no objection to the addition to their garage.

Chairman Stepnak asked if the materials the petitioner planned to use would match the garage?

Petitioner stated that they contacted Lombardo and they got the exact same color bricks. The addition will be all brick and match the existing structure.

Chairman Stepnak brought up the fact that the petitioner must prove a practical difficulty which in this case the petitioner stated it would be storage of lawn equipment.

Petitioner stated that the reason they do not want to build a shed because in one area they could put it the water drains and there would not really be enough room and on the other side, there is a safety issue because there is a kind of sink hole over there.

Mr. Leonard stated that typically they would have more problems with the side yard setback with the site line when it is a side entrance garage. He stated that if the approach was from the side on Kook, it would be more of a clear view of the corner issue. He explained that since that is not the case, he is kind of on the fence about this. He did notice that there were some other three-car garages in the area with side entries that did not even look nice. He asked Chairman Stepnak if this was approved could the board put a stipulation in the motion that the petitioners would not be able to put up a shed in the future?

Chairman Stepnak stated that the board was just dealing with the garage encroaching on the side yard. The petitioners could sell the home tomorrow and it would be hard to police; they would have to look at minutes five or ten years from now when people are retired or no longer serving on the board.

Mr. Leonard asked when driving down Leshan and turning the corner on Kook how far does that go?

Petitioner replied one block. She explained that there are no houses on Kook it is just their house the house across the street and two more houses.

Mr. Leonard asked if it dead ended there?

Petitioner stated that the street goes into a T and people have to turn left or right.

Mr. Leonard stated that he did see a lot of cul-de-sacs so there would not be a lot of cross traffic going every which way and that gives him a little piece of mind.

Mr. Klonowski stated that if there was no other place to build, he could see the practical difficulty. However, there is an area to put a shed in the back yard. He mentioned that this in the front yard on a corner and he thought it was a safety issue.

Motion by Mr. Klonowski to deny Petition # 2014-15. He stated that there is a buildable area on the property for a shed and there is a lack of practical difficulty. He was concerned about the garage being on a corner lot because of the site line issue.

There was no support for the Motion

Motion was denied due to lack of Support.

Motion by Chairman Stepnak to approve Petition #2014-15. The petitioner is going to put an addition on to their garage which will create a three-car garage. The petitioner is going to use the area for storage purposes. The materials used for the construction will be the same material that was used on the original structure. The petitioner plans to landscape the area upon completion of the project. He stated that this was not a condition, but the petitioner has also agreed that there would not be any additional structures placed on the property. He asked the petitioner if he was correct in that statement?

Petitioner replied yes.

Supported by Mr. Leonard. He stated that because there were two sets of paperwork, one with a 10' variance request and one with 12' and then on the written form submitted under criteria it again states 12', he would like the paperwork corrected and it added to the motion that the variance is for 10" only.

Chairman Stepnak agreed to add to the motion that the variance is for 10' and he stated that the Building Department is aware of that fact and so there would be a 200 square feet addition to the garage.

Mr. Leonard continued support.

Ayes: Stepnak, Leonard, Militello and Jones

Nays: Klonowski

Motion Granted

5. **ZBA #2014-16: Steven Cancel, 35285 Bristlecone, Clinton Twp., MI 48035.**
Requesting a rear yard setback variance for a proposed home on lots 31 & 32 of Anchor Bay Gardens on the corner of Summertime & Sunrise.

Ottavio Palazzao, 18804 Strongland, Macomb, MI addressed the board.

Petitioner stated that he is actually the builder for Mr. Steven Cancel. He stated that they are asking to build a modest size home on that lot. He mentioned that the sea wall cuts into the rear of that property and so they are asking for a variance for that easement. He explained that the home would still be in line with the neighboring homes. He commented that they are not asking for any more than has been done down the street.

Mr. Militello asked so the issue is because of the cut out of the sea wall?

Petitioner replied yes.

Mr. Militello verified that the petitioner is trying to keep the home in line with the other homes down the street.

Petitioner replied yes. He mentioned that they made some trace lines of where the neighboring properties would be along the sea wall and they would fall within that.

Mr. Militello asked if they could put the home further south on the lot?

Petitioner answered that he could, however, he would still have the issue with the seawall and the people want their master bedroom with a deck on the left side of the house so they have a view of the lake from their room.

Mr. Leonard pointed out that the dark lines surrounding the property and there is a little corner that is notched into the canal with the 3" sump lead. He stated that is not there and the seawall is straight back and connects; so it is just one big square there. He explained that might be the buildable area, but it is not accurate because that piece of land is not in the canal. It all comes straight back and there is just a large square back there. He explained that being said, it does put the house a little closer to the seawall, but there is still enough room for a backhoe to get in there and do work in that area to fix the seawall. He asked the petitioner if he had any drawings of the house?

Petitioner replied yes and he gave Mr. Leonard the plans.

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

Petitioner replied 1400 square feet.

Mr. Leonard asked if it was a one or two-story home?

Petitioner replied that the house would be a two-story, three bedroom home.

The board members took a few minutes to look at the plans.

Mr. Leonard asked why there was only going to be a 4/12 pitch?

Chairman Stepnak reminded Mr. Leonard that they cannot design the home.

Mr. Leonard stated that he was not asking the petitioner to change it he was just asking why it was only 4/12.

Chairman Stepnak stated that it would only be for informational purposes and would not have any bearing on the variance.

Mr. Klonowski stated that whenever they look at these things, he looks for the practical difficulty. In this case, there appears to be a practical difficulty. He likes the fact that the house would line up with the other homes and would fit in with other homes in the community.

Chairman Stepnak stated that this would probably be the text book case for a practical difficulty. The lot is unique and different and the development of the property has many challenges in order to build something that is cost effective. The cost is not a consideration for the variance, however, there are practical difficulties facing the property owners.

Mr. Klonowski commented that putting a smaller home on the lot would make the house out of character for the area.

Ms. Jones had no comments.

Mr. DeMaster stated that this property is in an old subdivision and on a corner lot. The owners have to abide by the new rules and that is difficult. He stated that the property is very unique with the corner cut and it is the text book example of a practical difficulty.

There were no Public Comments.

Mr. Leonard stated that as far as aesthetics, he lives in that sub and he would prefer if the homeowners put up a home with a deeper pitch. He mentioned if that would be acceptable, he would like them to take it under consideration.

Petitioner stated that he would consider that, but he would have to relate that to the homeowners.

Chairman Stepnak stated that Mr. Klonowski had a good point when he mentioned that he liked the idea that the home would line up with other houses on the street. He also liked the idea that the home would be a modest structure and will blend in with other homes in the community.

Motion by Mr. Klonowski to approve Petition # 2014-16. He stated that the practical difficulty is the size and shape of the lot and building in that area would be in line with the other homes on the street and there will be uniformity within the area.

Supported Mr. Leonard

Ayes: All

Nays: None

Motion Granted

**6. ZBA #2014-17: Jennifer Emard, 26557 Autumn Lake Drive Chesterfield, MI 48051
Requesting to be over the allowed square footage for a proposed addition to
their existing garage located at the above address.**

Daniel Emard, 26557 Autumn Lake Drive, Chesterfield, MI addressed the board.

Petitioner stated that they are looking to add on to their garage. The room size would be 5' x 7' which is only 35 square feet. The area would be all brick and would match their home. He mentioned that the roof structure is already there. He explained that they are just trying to fill in the dead space for some storage and they would have access to it from inside their garage.

Ms. Jones had no questions.

Mr. Klonowski asked if the area is already built?

Petitioner replied that it the area is like a covered porch and they would just like to pour the slab, put walls to close in the area and have access from the garage.

Mr. Klonowski stated that he went out to the site and he thought it was already done.

Petitioner stated that it was not done and the area is very small. He explained that the porch was built with the house about a year ago and he never did anything with it. He was going to put garbage cans under it, but they decided to put the garbage in the garage, so they would just like to enclose it for storage.

Mr. Leonard asked how long ago the house was built?

Petitioner replied about a year and a half ago.

Mr. Leonard asked if the petitioner was in for a variance on this something to do with the garage doors?

Petitioner replied yes.

Mr. Leonard stated that this was just about a little bit of square footage and the area is tucked behind the garage. He does not have any problems with it.

Mr. Militello did not have any questions.

Chairman Stepnak stated that he did not have any questions or concerns.

Mr. DeMaster did not have any concerns from the Building Department.

There were no Public Comments.

Motion by Mr. Leonard to approve Petition # 2014-17 to allow the petitioner to fill in a little corner behind the garage and house to add another 35 square feet to the existing garage. The reason being that it is tucked out of the way and will not have any effect or bearings on the community

Supported Chairman Stepnak.

Ayes: All

Nays: None

Motion Granted

7. **ZBA #2014-18: Dennis & Maureen Sharp, 25301 25 Mile Road, Chesterfield, MI 48051. Requesting a variance to be over the allowable square footage on a pole barn with a lean to on a parcel over 10 acres at the above address.**

Maureen Sharp, 25301 25 Mile Road, Chesterfield, MI addressed the board.

Petitioner stated that they were there to request a variance to be 610' over the allowable square footage for a pole barn. She explained that they live on 25 Mile Road on 10.6 acres.

Dennis Sharp, 25301 25 Mile Road, Chesterfield, MI addressed the board.

Mr. Sharp stated that they would like to build a 30' x 40' pole barn with a 6' lean-to on the one side to accommodate 2 farm tractors, tractor equipment, lawn mower and a classic car.

Petitioner explained that they would like the pole barn for storage so they can keep all of their equipment out of site and use their garage to park their cars.

Mr. Klonowski asked if the shed is already up?

Petitioner replied yes.

Mr. Klonowski stated that the petitioners have 10 acres in an agricultural zone and they would need more storage for equipment. He added that there are barns and in the area and would not stick out.

Mr. Sharp agreed and mentioned that they are set back and the barn would be about 450' from the road.

Mr. Klonowski stated that he had no concerns about the variance.

Ms. Jones stated that she did not have any concerns about this considering they live on 10 acres.

Mr. Militello agreed that he had no concerns. He commented that the barn would be on a 10 acre parcel, the homes are spread apart in that area and this would not be an obstruction or hindrance to the community.

Mr. Leonard stated that he did not have any problems with the variance. He just wanted to comment about the inconsistency of the paperwork. He explained that the paperwork shows 585 square feet and the petitioner stated that the variance was for 610 square feet.

Petitioner stated that she was not sure why there was a discrepancy. She claimed that she remembered when they figured out the square footage it came to 607 square feet and they rounded it up to 610'.

Mr. Leonard stated that he would leave it up to Chairman Stepnak, but the board is dealing with three different numbers here and if they can just look at one, maybe the board could make a decision.

Petitioner commented that she could have made a mistake in her calculations. She added up the square footage of the proposed barn, the garage and the shed and then subtracted the allowable square footage.

Mr. Leonard explained that he did not know if there is going to be a problem because what is posted on this form is less than what the petitioner is actually looking for so what was published in the paper is incorrect. Therefore, he is not sure where they would go at this point.

Chairman Stepnak stated so the requested variance is 610'.

Petitioner replied that was correct.

Chairman Stepnak stated that the problem Mr. Leonard was referring to is actually because notices have gone out and the request is published in the newspaper as 585'. He explained that the problem is that the board cannot increase what is requested in the paperwork, but they are allowed to decrease the size. However, the board should also look at it from the prospective that they are only really talking about a discrepancy of 25 feet, which is actually a variable that would figure into the equation. At this point, he requested that one of the petitioners come up to the board and sign off on the paperwork that they are requesting a 610 square foot variance.

Mr. Leonard stated that if it was off 250 square feet instead of 25' it would have had to be republished in the paper and new notices would have to be sent out.

Petitioner apologized for her error.

Chairman Stepnak understood the petitioner's remorse on the issue, but the problem the board was running into was the publication and legal documents involved in the issue. He explained that another concern or problem would be when the Building Department goes to survey the property and take a look at it and after they do their calculations, inspectors come back and realize that was not the square footage that was approved for the variance. He mentioned that this is in a rural area and he does not believe the little bit of extra square footage is going to make much of a difference.

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

Herb Blomme, 25197 25 Mile Road, Chesterfield addressed the board.

Mr. Blomme stated that he had no objections to the petitioner's pole barn.

Motion by Ms. Jones to approve ZBA #2014-18 for a pole barn to be over the allowable square footage by 610 square feet due to the practical difficulty. She stated that a pole barn in that rural area is appropriate.

Supported Mr. Militello

Ayes: All

Nays: None

Motion Granted

8. OLD BUSINESS:

There was no old business.

9. NEW BUSINESS:

There was a short discussion among the board members concerning the conference at Mackinac Island.

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

Motion by Mr. Militello to approve the minutes from the meeting on July 23, 2014.

Supported Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

11. **COMMENTS FROM THE FLOOR:**

Chairman Stepnak thanked Mr. DeMaster for attending the meeting.

12. **ADJOURNMENT:**

Motion by Mr. Klonowski to adjourn at 7:59 PM

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary