

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

November 26, 2014

On November 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
Hank Anderson, Twp. Board Liaison
Thomas Yaschen, Secretary
Carl Leonard, Planning Comm. Liaison
Patrick Militello
Wendy Jones

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 PETITION #2014-23:** Russell John Goemaere who resides at 47426 Forton, Chesterfield, MI 48047. Requesting to be over the allowable square footage, a height variance and also to add to a non-conforming building due to his existing side yard setbacks. Requests are for a proposed addition to his existing garage located at the address above. Tabled 10-22-14

Motion by Mr. Yaschen to take the petition off the Table.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Russell John Goemaere who resides at 47426 Forton, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was requesting to enlarge the garage of his current residence. He is an avid hunter and fisherman and he has a lot of that type of equipment as well as some antiques so he wanted to put an addition on to the garage. At this time, there is an old garage and a rickety old shed which is an eyesore so he thought he would rebuild the garage with a second story where he could store his hunting and fishing equipment along with some valuable antiques. It would be an enhancement to the neighborhood and would eliminate the shed. He understands that there are some concerns based on a brief that he received from his neighbor next door. He has tried to be flexible on this he was willing to bring down the size of the garage, but he still wanted to maintain the second story so he could keep the antiques and equipment out of harm's way. He stated that he thought the reason the petition was brought forward and the objection from the neighbor was because he recently installed a hoist for his boat; for which he went through the proper channels such as getting permits and getting approval from the DEQ. He explained that at that time the neighbor was quite upset about the hoist going in and claimed that the neighbor told him if he put the hoist in that he would fight the garage tooth and nail.

Mr. Leonard asked the square footage of the petitioner's existing home?

Petitioner replied that his home is a little over 1300 square feet.

Mr. Leonard asked if the home was on a crawl space?

Petitioner answered that the home is on a crawl space and that is why there is no storage.

Mr. Leonard explained that as far as height, the petitioner could get a lot of storage with the current garage height restrictions. He stated that he has some concerns with the lot size and the lot being so narrow, the proposed garage is huge and he has issues with that second floor and the height of the structure. He understands that the petitioner needs some storage and he thinks that there would be something that would be acceptable, but this is way more than those narrow lots would support.

Mr. Anderson stated that he agreed with Mr. Leonard and he has the same concerns with the lot size.

Mr. Klonowski stated that in his opinion this would be an overbuild of a non-conforming structure.

Ms. Jones had no questions.

Mr. Militello had no questions.

Mr. Yaschen asked the petitioner if he planned to remove the old garage?

Petitioner replied no. This would be an addition to the existing garage. He explained that the current garage is low and they cannot even get a car in there. His plans were to tear off the old roof and basically go into a gambrel roof so there would be one structure. He then planned to reside the garage to match the house so everything would be uniform. He mentioned that he was trying to make the property more curb appealing to the neighborhood.

Mr. Yaschen read a letter from Marcia and Skip Miller on 47416 Forton which objected to the granting of the variance. The letter was retained for the ZBA records.

Mr. Yaschen read a letter from Daniel Duvasch, 47512 Forton, which disapproved of the granting of the petition. The letter was retained for the ZBA records.

Chairman Stepnak stated that the next piece of correspondence was from Gary Gendernalik's office which is quite extensive and contains a lot of legalese that refers to ordinances. He discussed the matter with Mr. Yaschen and they agreed that he would only read the first two paragraphs and the last paragraph.

Mr. Yaschen read portions of the brief from attorney, Gary Gendernalik, who was retained by Mr. and Mrs. 47432 Forton, which contained many objections to the granting of the variance. The brief was retained for the ZBA records.

Mr. DeMaster stated that they would have denied this at the Building Department because there are too many things or issues to address.

Public Comments:

Kirk Harms, 4805 Starville, China Township, MI 48054 addressed the board.

Rich Niebeizk, 47432 Forton, Chesterfield, MI addressed the board.

Mr. Niebiezk is the next door neighbor of the petitioner and presented many objections that he had to the granting of the variance.

Wendy Kroll, 47569 Forton, Chesterfield, MI addressed the board.

Ms. Kroll made remarks that were against the granting of the variance.

Chairman Stepnak asked the petitioner what part of the proposed garage would be used for livable space?

Petitioner replied that none of the garage would be used as livable space. He stated that a portion of the garage would just be used for storage of his boat, antiques, duck decoys, hunting equipment and a fish cleaning station.

Chairman Stepnak verified so the proposed garage would be for the petitioner's personal and recreation use.

Petitioner replied yes. He reiterated that he is an avid hunter and fisherman and he has a lot of that type of equipment as well as some antiques so he wanted to put an addition on to the garage. He mentioned that his family has had ties in Chesterfield Township for years. He stated that they owned G & L Industries at 21 and Gratiot. He mentioned that he has acquired Henry Ford's first desk for instance and he would like a safe place upstairs to store the desk and his other heirloom antiques. He stated that these items no longer fit in his home because he downsized quite a bit when he purchased this home. He has downsized at this point to get ready for retirement.

Chairman Stepnak stated that there are quite a few issues with this non-conforming property such as a small lot, the 50% rule and other things he was not going to get into how it is calculated out. He asked Mr. DeMaster from the Building Department if this renovation even feasible?

Mr. DeMaster stated that anything is feasible, but with the ordinances there are so many issues to address on this property. Furthermore, this might be in the flood plain and that would bring up the price of putting up the structure.

Petitioner commented that he was the Executive Vice President of Sales and Marketing for a company that does the same thing as G & L used to do; which is interior trim components, and they have a global presence in the market.

Chairman Stepnak stated that the problem the board is having with this property is that it is a very small parcel and the addition seems to be out of the norm. He understands the petitioner's passion for hunting and fishing, but they also have to look at the tear down and construction of something this large. He mentioned that this was originally a cottage community and there seems to be a lot of moving pieces here. He stated that when they grant a petition, the Building Department has to go out there and inspect it and know exactly what the Board approved. He commented that the problem is that, in this case, the petitioner wants to go higher and much larger on a small narrow lot and it just seems like there is too much to consider. He stated that, as the petitioner, he has to prove a practical difficulty.

Mr. Leonard stated that without a variance this petitioner could still do something for extra storage on this property. The petitioner could do something with the upper level and still maintain the 16' height requirement for the garage. He stated that many things could be done on the property but not this with the size and height.

He explained that because of the size and height, he and the other board members are having a problem with the variance.

Petitioner stated that he was trying to cooperate and he wants to work with the community. He would like to know what is acceptable because he is trying to get some additional storage and improve the current situation. He does not think that anybody in the neighborhood likes the crummy old shed.

Chairman Stepnak stated that this is not the level to design the project. The petitioner could go over to the Building Department and they could go over what could be done on the property. He mentioned that in general staff members of the Building Department are in the office during the day and they are available for the petitioner to go over these issues. He explained that basically when the petitioner comes to ZBA all the ducks should be in a row and they would be looking at a project that would be a yea or nay for the community.

Motion by Mr. Klonowski to deny Petition # 2014-23. He stated the requested variance would be contrary to the spirit and content of the ordinance, specifically Section 76-331 with regard to square footage and height as well as Section 76-567 which states that no such structure may be altered, enlarged or altered in any way which will increase its non-conformance.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

Chairman Stepnak asked for the Board to be polled for their votes and any additional comments.

Mr. Klonowski voted to deny and had no additional comments.

Mr. Yaschen voted to deny and had no additional comments.

Mr. Militello stated that he had no additional comments and he voted to deny.

Mr. Leonard stated that he voted to deny and he already made his comments.

Ms. Jones stated that she had no comments and voted to deny.

Mr. Anderson stated that he had no additional comments and he voted to deny.

Chairman Stepnak stated that he already made his comments and he voted to deny.

5. **ZBA PETITION #2014-26: Louis Knapp, who resides at 48052 Meadow Lane, Chesterfield, MI 48051. Requesting a variance to allow a 240' square foot shed in lieu of the 120' ordinance allows located at the address above.**

Louis Knapp, 48052 Meadow Lane, Chesterfield, MI 48051 addressed the board.

Petitioner stated that he was requesting to put a slightly larger square foot shed on his property than the ordinance allows. He stated that the ordinance allows 120 square feet and he would like to double the size and put a shed that is 240 square feet. He stated that he has a rather large lot next to some woods and he has about 20 80' trees on his lot and together they require a lot of maintenance. He needs extra equipment in order to maintain the properties.

Mr. Klonowski asked if the petitioner had a basement?

Petitioner replied that he has a ½ basement 24' x 30'. He stated that his home is a tri-level.

Ms. Jones had no questions.

Mr. Militello asked if the petitioner had a two or three car garage?

Petitioner replied that he has a two-car garage and there is a boat house that is attached.

Mr. Militello asked if there was a boat in the boat house?

Petitioner replied no not at this time.

Mr. Militello asked if both cars were parked in the garage or is it being used for storage?

Petitioner replied that he is a retired toolmaker and most of his garage is used for his hobby which is miniature machining.

Mr. Leonard asked if the petitioner bought the existing home?

Petitioner replied that he actually built the home himself.

Mr. Leonard verified that originally the home was built with the two-car garage and the third stall was added later.

Petitioner replied that was correct.

Mr. Leonard asked the depth of the third stall because it comes out from the home?

Petitioner stated that it juts out 6' from the house and the house is 24', so the boat house would be about 12' x 30'.

Mr. Leonard stated that he drove by the property and noticed that there was already a slab there and electrical trenched from the house to the slab.

Petitioner stated that the slab is there and there is a partial conduit buried for future use.

Mr. Leonard stated that it was kind of odd that the slab is already there for the shed.

Mr. DeMaster stated that the petitioner did get a permit for that slab.

Mr. Leonard mentioned that the petitioner does have some basement space and also had the third garage stall.

Mr. Anderson commented that the petitioner wants to go from a 12' x 10' to a 24' x 10' shed. The shed would sit at the back of the petitioner's lot which would be adjacent to the back of the other properties. He stated that the petitioner has a lot of woods back there and he could empathize with him about that. He asked Chairman Stepnak if there were any letters from the public on this matter?

Mr. Yaschen read an anonymous letter that was against the granting of the variance. The letter also complained about general blight in Chesterfield, lack of zoning enforcement and people running machine shops in large garages on their residential property. The letter was retained for the ZBA records.

Chairman Stepnak stated that they would forward a copy of the letter to Zoning Enforcement as something for them to read Monday Morning.

There were no Public Comments.

Mr. DeMaster had no concerns from the Building Department. He explained that the petitioner has a very large piece of property and the location of the shed would be at the back of the lot.

Chairman Stepnak mentioned the slab that Mr. Leonard brought up and that Mr. DeMaster stated that the petitioner did get a permit for the slab.

Mr. DeMaster stated that the petitioner asked about building the shed and has been very cooperative and stated that he would apply for the variance and if he did not get it, he would just have a large slab there.

Chairman Stepnak asked if the petitioner has been working with the Building Department, the Township and the Community on this?

Mr. DeMaster replied absolutely.

Petitioner commented that he understood that he could go 16' in height and made it clear that was not his intention. He mentioned that he would keep the height of the garage down to 12' which would be a lower silhouette and improve the proportions of the building. He mentioned that he was asking for the square footage with a lower profile.

Mr. Leonard stated that the petitioner mentioned that he had that 13' x 30' bay to house a boat with no boat in it. He mentioned that the other two-car garage is not being utilized as garage space; it is being used for hobbies. He realizes that this is a large piece of property, but the garage is going to the back of the lot with a house on the other side on a smaller lot that will be looking at this structure. Therefore, he is asking himself if the shed at double the size was really warranted when there is a three-car garage that is not even being used as a garage.

Motion by Mr. Anderson to approve Petition # 2014-26 as it is written for 48052 Meadow Lane, Chesterfield, MI 48051 to grant the variance to allow a 240 square foot shed in lieu of the 120' allowed by the ordinance with the understanding that the garage would not be over the height limit.

Supported by Ms. Jones

Ayes: Anderson, Jones, Klonowski and Yaschen

Nays: Stepnak, Leonard, and Militello

Motion Granted

6. NEW BUSINESS:

Mr. Yaschen stated that there would be a new liaison to the ZBA. Mr. Anderson would be replaced by Mr. David Joseph

Mr. Anderson stated that he has enjoyed his time on the Zoning Board and thanked the Board members.

Ms. Jones stated that she thought once someone was appointed to a board it was permanent.

Mr. Leonard replied that he thought only the appointment to the Planning Commission was a permanent position.

7. OLD BUSINESS:

Chairman Stepnak stated that he wanted to comment on the email that he received from Janice Giese. He explained that the board does not sit up there to disappoint or impress any department head, any elected official, any appointed official, any agency or any consultant. He stated that they sit on the board at the discretion of the Township Board to review the ordinances. Anyone who suggests that we do not vote in favor of their ideas should not belittle the Zoning Board members or push them to vote in favor or against something. He stated that they are their own standing board and it is made up of a good mixture of different people in the community with a proper liaison from the Planning Commission and from the Township Board. He stated that the board is very diligent in what they do and they fully understand the ordinance and they fully understand that every time they do grant a variance they are chipping away at it. He mentioned that the position of the Chairman is to move the meeting along. He does not have executive order and cannot override a vote. He commented that everyone on the board has one vote and one opinion. He mentioned that they put everything out to the board to discuss and they make a decision on it. He stated that the board would welcome any type of training at any time from the Township Planner and or the Township attorney; that is not something that they would disagree with. He commented that the letter that they received in past practice would be received and filed. He stated that he will not make a motion to receive and file it; he would not support it, or vote in favor of it. He stated that he was going to ignore this letter that came to them as an email. He suggested that in the future any letters addressed to this board should be done in proper business etiquette and format with the absence of any type of drama and personal opinions.

8. APPROVAL OF MINUTES FROM PRIOR MEETING:

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

Supported by Mr. Militello

Ayes: All

Nays: None

Motion Granted

9. COMMENTS FROM THE FLOOR:

Mr. Leonard stated that the night that this issue came up he had missed the previous meeting and was told they would not be addressing that particular petition that night. He stated that what he will not do in the future is entertain a petition that he has not had the chance to fully review.

Chairman Stepnak stated that the Township attorney stated that only time they can exclude themselves from an issue is if they have any financial gains or losses from the variance.

Mr. Leonard stated that at the time the board was asked if they would hear the petition that evening and he agreed to it and looking back he would not do that again. He reiterated that if he has not had a chance to fully review a petition he would voice that and make sure it does not happen again.

The board members all wished each other a Happy Thanksgiving.

10. **ADJOURNMENT:**

Motion by Chairman Stepnak to adjourn at 7:49 PM

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary