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

***December 10, 2014***

On December 10, 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
David Joseph, Twp. Board Liaison
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 #2014-27: Douglas & Sherri Christie, submitted by Gary Gendernalik for a variance located at 47914 Harbor Drive, Chesterfield, MI 48047. A. 26.78' front yard setback for a tear down and rebuild of their residence keeping the same footprint. Sec.76-331 (1) Yards & special rules for certain locations states that the setback for the principle residence shall be the average of the first 6 like structures to the left and the first 6 like structures to the right of the proposed build.**

Gary Gendernalik, 52624 Laurel Oak Lane, Chesterfield Twp., MI 48047 addressed the board.

Petitioner stated that he filed this petition in reference to the homeowner's intent to update their home on Harbor Drive. He wanted to give the board a little bit of history so they do have a record. He approached the board with an aerial from 2012 that shows their existing home with the schematics of all the homes on Harbor Drive. He pointed out the Christie's home, the lake and the home that sits back that kind of goofs up their 6 like structure average. He mentioned that the board had the homeowner's site plan

and where they are located on the lake. He stated that their plan is to build in the same footprint of their existing home. He showed a County aerial map of what the neighborhood looked like in 1964 and the existing house at that time which shows the house in the same place as in 2012. He stated that according to the Assessing Department's records the house was built in1948. He showed other aerial photos of of what the house looked like in 1963, 1980, and 1990. He mentioned that he has talked to Building Department and Township officials on this matter. He explained that they would keep the same foundation and the only place added onto would be for a room in the front and a porch and it will all line up with the existing garage frontage. He pointed out on the paperwork where the addition will be and the existing portion of the home. He stated that the floor elevation will be higher because when he got into the house they had done some demolition inside and the floor joists were in bad shape because of the flood elevation. He pointed out the first and second floor of the plans and showed what the renovated home would look like. He mentioned that there were already two floors there and in essence they would be replacing the existing home with the same type of structure. He pointed out the elevations of the house on Harbor Drive and on the lake side. He stated that the majority of the residents that the homeowners contacted in close proximity signed a short petition stating they had no objections to this proposal. Basically they filed the petitioner because the ordinance states they have a setback for the home as the average of the first 6 like structures to the left and the first 6 like structures to the right of the proposed build. He stated giving the average they need a variance of 26.78'. He reiterated that they will be in the same location on the same foundation and in the same footprint with of course some vast improvements. He mentioned the next door neighbor was present at the meeting and he would like to speak to let the board know he has no objection to the variance.

Mr. Militello verified so the homeowners would be using the exact same footprint and the 67.5' from the water's edge would not change.

Petitioner replied correct.

Mr. Klonowski asked the petitioner if he was seeking a 4' 6" height variance as well?

Petitioner replied yes.

Mr. Klonowski asked if that was due to the raising of the house to get it out of the flood plain?

Petitioner answered yes.

Mr. Klonowski asked how much does the home have to come up because of the flood plain?

Petitioner replied three to four feet. He added that in the existing house a person would have a hard time getting around in the crawl space because of the location of the floor joists, the piping and the dirt. Once they took the drywall off, the homeowners found out they had these major structural issues that had to be addressed.

Ms. Jones had no questions.

Mr. Joseph stated that he was just appointed to the ZBA as the board liaison and this was his first meeting. He mentioned that trustee Anderson who served on the board the last few years made a point to tell him not to be nervous because it was the first meeting. He complimented Mr. Gendernalik on the packet he presented because it was easy to follow and he commented that the petitioner's clients are very well represented here. He thanked Mr. Gendernalik for the completeness and thoroughness of his presentation.

Mr. Leonard asked what are all the variances that are being requested?

Petitioner replied it was a variance for the front and the height of the building. He explained that the reason for the height variance is because they have to take the floor joists from their current elevation and raise them so they are out of the flood plain.

Mr. Leonard asked how much they would be adding on to the existing height?

Petitioner replied that he thought it was about 4'.

Mr. Leonard asked if they would be raising the grade or brick up to it and add more steps?

Petitioner stated that there would be bricks and more steps. He made some additional comments that were inaudible.

Mr. Leonard asked if the home was sitting that low that it needs to be raised up another 4'?

Petitioner replied yes. He stated that he thought the floor joists moved and got damaged when the water went up in 1974 and 1996. There was probably water in that crawl space. He reiterated that in the existing house a person would have a hard time getting around in the crawl space because of the location of the floor joists and the dirt.

Mr. Leonard asked are the homeowners going up with the house 4' because they need to or because they want a deeper crawl space?

Petitioner replied that they have to because FEMA states that the bottom of the air ducts have to be out of the flood plain because if water comes in the air duct, when it leaves they get ripped from the floor joists.

Mr. Leonard asked Mr. DeMaster from the Building Department and see if this additional height is absolutely something necessary and not just something to get a taller crawl space?

Mr. DeMaster stated that the additional height was necessary.

Petitioner mentioned that when looking at the other homes on Harbor Drive that were built in the last 10 to 15 years, they are all significantly higher because of those requirements.

Mr. Leonard stated that the home has a 10/12 pitch and he asked if there was a specific reason the house would have that much roof pitch? Is there a need for that pitch or is if just for style?

Petitioner replied it was probably for style. He did not design the home and would have to ask the architect about that. He asked the homeowner in the audience.

Mr. Christie replied it was basically like that for aesthetics.

Mr. Leonard mentioned that when he built his home, he lowered the pitch for the same reason. He wanted a steeper roof and ended up with a 6/12 pitch.

Chairman Stepnak stated that the board was not supposed to be designing projects.

Mr. Leonard commented that he only brought it up because he dealt with this himself.

Petitioner stated that on the roof pitch, that could be modified.

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

Mr. DeMaster stated that he did not have any concerns at this point.

Chairman Stepnak stated that he did check with Mr. DeMaster on this issue on several occasions and he also spoke to Gordy Wilson on this matter. Mr. Wilson told him that he has not actually reviewed this and would do so if the variance was granted. He also told him what is the point of having ordinances if they just keep on granting variances.

Mr. DeMaster explained that this was just one hurdle the petitioner will have to go through because next they have to go for a revision on their elevation on this house.

He mentioned that he went through the book and anytime they have substantial improvement or damage in a flood plain, they have to go through FEMA and they do not want these structures to disappear. They are against issuing variances, but he called FEMA direct and spoke to Maureen O'Shea in the Warren Division. She stated that any kind of variances for elevation or construction are strictly forbidden, but variances on setbacks are not an issue with them, so FEMA does not have a problem with this and neither does he.

Petitioner stated that he cannot go to FEMA until they get or are denied this variance.

Mr. DeMaster mentioned that they have taken the house down so far that they are past the 50%, at this point they have to get this variance to go to the next level.

Mr. Leonard stated that Mr. DeMaster mentioned that the setbacks are the only variances that are allowed.

Mr. DeMaster replied yes because setbacks have nothing to do with the flood plain.

Mr. Leonard stated that the board is not just dealing with setbacks; they are dealing with height too.

Mr. DeMaster stated that they are dealing with height because the structure has to come up to 580 which brings the floor up a little higher than that. He stated that their base flood elevation is 579 and they have to get to 579 plus 1.

Mr. Leonard asked if Zoning could act on the height and the setbacks?

Mr. DeMaster replied the ZBA could act on the height and the setbacks. ZBA cannot issue variances on the type of structure, how it is built, flood plain, flood vents on the crawl, and the crawl space.

Petitioner stated that in all probability there will be a concrete floor in their crawl space and a sump pump, so if water gets in it will be pumped out. He mentioned that if their new house gets flooded, there will be a lot of other places that get flooded.

Mr. DeMaster stated as the Flood Plain Administrator of the Township, he has to be extremely careful and any decisions made and that is why he called FEMA and spoke to Chairman Stepnak regarding this issue.

Chairman Stepnak stated that they had received some correspondence and asked Mr. Yaschen to read it into the record.

Mr. Yaschen read a petition from the homeowner's neighbors stating that they were aware of the proposed project that Douglas & Sherri Christie are wanting to accomplish at the address 47914 Harbor Drive and that this project will in no way cause any hardship for them and that they are not opposed to the project being completed or the granting of the variance. The petition was signed by the following residents: Ralph Musilli, 47790 Harbor Drive, Susan McIntosh, 47750 Harbor Drive, Kristie Lohmann, 48682 Harbor Drive, Lawrence Wrass, 48470 Harbor Drive, Kathleen Crooks, 47844 Harbor Drive, David Claeys, 48570 Harbor Drive, Diane Newman, 47800 Harbor Drive, Alan Corbishdale, 47800 Harbor Drive, Michele Verbeke, 48200 Harbor Drive, John Raymond, 48542 Harbor Drive, Bernard and Cheryl Degen, 48506 Harbor Drive and Michael & Deborah Miller, 47874 Harbor Drive. The petition was retained for the ZBA records.

**Public Comments:**

Glenn Neuner, 47930 Harbor Drive, Chesterfield, MI 48047 addressed the board.

Mr. Neuner made some comments supporting the petitioners and was in favor of the board granting the variance.

Mr. Leonard commented that there are some good size two-story homes on Harbor Drive. He asked Mr. DeMaster if, in his opinion, is the height on those homes are about the same as this one and will this blend in?

Mr. DeMaster replied yes and if there was a slight difference, it would not be noticeable.

Mr. Leonard stated that the only thing that seems out of place is the home on the other side which is close to the road.

Mr. DeMaster stated that house is the one that is skewing all the numbers and without that house the petitioner would probably not need a variance. It makes all the difference in the 6 to the left and 6 to the right number.

**Motion** by Mr. Yaschen to approve Petition # 2014-27 based on the lake side set back variance of 26.78' and based on the fact that the conditions or circumstances are unique to the property and were not created by the owner or the predecessor. The variance would not confer and special privileges that are denied to other properties similarly situated in the same zoning district.

**Supported** by Ms. Jones

Mr. Leonard asked if they had to add the height variance in the motion?

Chairman Stepnak stated that it was published as just the front yard setback

Petitioner stated how it is published does not preclude other variances.

Chairman Stepnak asked what Mr. Leonard would like to add to the motion.

Mr. Leonard stated that since it was brought up he would like that height was part of the motion

Chairman Stepnak asked if it would be acceptable to add to the motion that the height variance would be allowed to comply with FEMA. He asked Mr. DeMaster if he could work with that for the Building Department.

Mr. DeMaster replied absolutely.

Mr. Yaschen agreed to add the Chairman's comments to the motion.

Ms. Jones continued support.

**Ayes: All**

**Nays: None** **Motion Granted**

**5. NEW BUSINESS:**

There was no new business.

**6. OLD BUSINESS:**

There was no old business.

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

**Motion** by Mr. Yaschen to approve the minutes from the November 26, 2014 meeting.

**Supported** by Mr. Militello

**Ayes: All**

**Nays: None** **Motion Granted**

## 8. COMMENTS FROM THE FLOOR:

Chairman Stepnak welcomed Mr. Joseph as the new Township Board liaison to the ZBA.

Mr. Joseph asked if the Township Board liaison has voting privileges?

Chairman Stepnak replied yes the liaison to the Township Board and the liaison to the Planning Commission vote on the variances just like any other member of the board.

Mr. Joseph thanked the Chairman and stated that he was looking forward to serving on the board.

## 9. ADJOURNMENT:

**Motion** by Chairman Stepnak to adjourn at 7:37 PM

**Supported** by Mr. Yaschen

**Ayes: All**

**Nays: None** **Motion Granted**

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*Thomas Yaschen, Secretary* *Grace Mastronardi, Recording Secretary*