

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

May 13, 2015

On May 13, 2015, 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, Township Board Liaison
Carl Leonard, Planning Comm. Liaison
Patrick Militello

Absent: Wendy Jones, *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 PETITION #2015-02: Gratiot Chesterfield Properties, LLC.**
27947 Groesbeck Highway, Roseville, MI 48066. Requesting a variance from Sections #76-213 number of off street parking spaces, Section #76-214 Ingress/egress layout and Section #76-502 fast food restaurants w/ a drive-thru service, for the proposed retail and commercial (National Coney Island) use in a vacant building located at 27810 23 Mile Road.

Jay Podesto, 27947 Groesbeck Highway, Roseville, MI 48066 addressed the board.

Mr. Podesto stated that he was requesting the board Table the petition as a result of some of the comments made by the Planning Commission last night.

Chairman Stepnak asked what was the time frame they were looking at?

Petitioner replied that they were looking to submit the changes to the Township tomorrow for Planning so they should be on their next meeting.

Chairman Stepnak stated that they would probably need 30 days to publish. He explained that their next meeting would be May 27th, but with the 30 days, the next meeting would be June 10th. Therefore, he would probably table it to the June 10th meeting, but that would be predicated on the request being published. He suggested that the petitioner contact the Planning Department office for any information he would need in that regard.

Mr. Leonard remarked that the way the Planning Commission left it last night was they gave the applicants up to two meetings to get their stuff back to the Township, but if they got their paperwork in tomorrow by noon; they would be able to bring them back at their next meeting which would be May 26th.

Chairman Stepnak stated that they should probably table it to the June 24th meeting and if the petitioner gets back to the Planning Department sooner and it goes on the agenda, he does not see a problem with that. He mentioned that he has discussed the petition with Mr. DeMaster, Mr. Meagher, Ms. Giese and he has some paperwork from AEW, so he is aware there are some issues and he walked into the meeting under the assumption that they would Table it.

Mr. Joseph stated that he received some phone calls that day from Mr. Lovelock and Mr. DeMuynck on this matter and he would like to hear about some of the issues that came about so he can prepare for the next meeting.

Chairman Stepnak asked Mr. Leonard who also sits on the Planning Commission to give them a thumbnail of the issues that came up at that meeting.

Mr. Leonard stated that basically there were a lot of concerns from the Township Planner and also AEW. He thought if Mr. Joseph could get hold of those documents they would probably provide more of an insight into the situation than for him to just recite what is on the sheets.

Mr. Joseph was provided with copies of the paperwork from Community Planning and Management and AEW with all their comments and concerns on the project.

Mr. Leonard mentioned that there were some problems with the plans presented such as traffic flow, ingress and egress from the site. He explained that there were a lot of issues presented to the petitioners and he is not sure what modifications or changes they are making to the plans.

Mr. Yaschen asked if the petitioner still has to go in front of the Planning Commission, and he asked when that would be?

Mr. Leonard replied that if their information is completed and turned in by noon tomorrow to the Planning Department, they will be in front of the Planning Commission at the next meeting on May 26th.

Mr. Joseph stated that they went to Planning yesterday and assuming everything would go well they were going to come to ZBA today. In essence, at this point, the petitioner would like to get the information or changes submitted by noon tomorrow and get back in front of Planning in two weeks. He stated that in essence, it would be the same Tuesday, Wednesday scenario unfolding in two weeks. As he recalls, they already have an issue that brings them to meet in two weeks, so he would suggest they put this on the agenda for the May 27th meeting.

Mr. Leonard stated that the only thing is if the petitioners modify the ZBA request and the three issues on the petition change as the Chairman stated there would have to be another mailing and at this point we do not know what they are changing.

Mr. Joseph verified, so it would not be an issue as far as the open meetings act, but for notifying the surrounding community.

Chairman Stepnak stated that is correct.

Motion by Chairman Stepnak to Table Petition # 2015-02 meeting to the June 24th meeting. He stated that the petitioner can come back in front of the ZBA sooner as long as the paperwork and publications are in line and the Petition is placed on the agenda at an earlier date by the Planning Department.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

5. **OLD BUSINESS:**

There was no old business.

6. **NEW BUSINESS:**

Chairman Stepnak stated that they have an item coming up at the next meeting with a fence and they seem to be running into an issue with fences again. He asked Mr. DeMaster to explain the issue to the board.

Mr. DeMaster stated that the new fences are now put at 1' + 5' from the sidewalk. He explained that they are trying to get rid of the crowding with the fences and blocking sidewalks in the area. There was a person who came in with a plan for a fence which he rejected. She did some research and came up with three different instances of where the ZBA approved the same types of fences. He is not sure what the practical

difficulty was but apparently they were approved for standard subdivision lots. He explained that he is trying to do his job and promote the safety and welfare of the community as a Building official, but it is hard when he is going against these approvals. He mentioned that she was smart enough to look up and find some ZBA approved fences and with that it is making his job difficult.

Mr. Leonard thought that they have for the most part been pushing the fences at least 5' back. He wondered how old these fences are that were approved.

Chairman Stepnak stated that he just wanted to bring up the issue because some of the fences in the community are getting old and people are under the impression because they have a fence they are grandfathered in and they can just replace the old fence, however, ordinances have changed as far as setbacks. He is thinking along the lines of getting something from Mr. Meagher as far as why the ordinance has changed and something from Siebert's office as far as the legal stance on this and how defensible is the community on these issues.

Mr. Leonard asked if the posts are in the fence structurally and a few panels need to be replaced would that be allowable or would the whole structure have to be moved?

Mr. DeMaster explained that they would use the past 50% rule, so if more than 50% of the fence is replaced whether it be posts or panel the fence must be brought back to 6'.

There was a rather lengthy discussion on the matter among the board members

Chairman Stepnak reiterated that he was going to contact Mr. Meagher's office and also talk to Colleen and get something from them on this matter.

7. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the April 22, 2015 meeting.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

8. COMMENTS FROM THE FLOOR:

Mr. Joseph mentioned that there was something he received in the mail concerning a petition requesting a fence that is coming up in front of the ZBA. He asked legally should he request to be excused from the proceedings since it concerns someone in his neighborhood. He wondered if it would be a conflict and should he ask the Township attorney?

Chairman Stepnak explained that according to Siebert's office, as long as the petition would not cause any gain or loss to the board member, that person would be able to vote on the petition.

Mr. Joseph stated so they send these notices out to inform people in the area what is going on in case they have a problem with it.

Mr. Yaschen replied yes.

Mr. Leonard stated that there have been cases when our neighbors came in front of the board and because they did not gain or lose anything from the petition, except maybe a friendship, they were required to vote on it.

9. ADJOURNMENT:

Motion by Chairman Stepnak to adjourn at 7:53 PM

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary