

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

June 10, 2015

On June 10, 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
Wendy Jones

Absent: 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 PETITION #2015-03: Macomb Powersports, 46860 Gratiot, Chesterfield, MI 48051. Requesting to allow a 26' x 52' canvas tent enclosure for temporary outdoor storage of off road vehicles to be serviced and picked up by their customers.**

Bill LeCoumote, 46860 Gratiot, Chesterfield, MI 48051 addressed the board.

Petitioner stated that he was requesting a variance to allow a temporary tent enclosure for the back of their property.

Mr. Jones asked if the tent would just be temporary?

Petitioner replied that it would probably be up for 6 months to a year. They are trying to work on a long term fix for the problem. However, he explained they have an immediate need to solve it by getting something temporary up. He stated that they are looking at a possible expansion of the building which would require permission from their landlord and obviously that will take some time. At this point, they are trying to do

something now that will keep the side-by-sides and larger watercraft protected from the elements.

Ms. Jones asked if this was a tent-like structure?

Petitioner answered yes; it is basically a temporary 14.5 ml. vinyl structure that almost looks like a garage and is staked to the ground.

Mr. Klonowski asked the petitioner if he was aware that the most a temporary structure can be up is for 18 months?

Petitioner replied correct.

Mr. Leonard stated that he went to the site that day and understands the issues that the petitioners are having with the theft and problems with the elements. He explained that the structure would be behind the building which is painted white in the back, so the white tent would just be an extension; therefore, he did not really see a negative impact on what is there. He stated in fact this would clean up the property and enclose everything that is now just lying out behind the building. He mentioned that they talked about the time frames involved for a temporary structure. He stated that the petitioner related to him that he would really like a permanent addition to the building and would be discussing the matter with the landlord.

Mr. Klonowski remarked that it almost sounded like according to the statements here that it was permanent type of situation.

Mr. Leonard stated that he discussed the matter with the petitioner and told him the variance would be for six months and it could be extended if necessary. He added that he did not have a problem with it.

Mr. Joseph stated that the agenda refers to the item as a canvas tent and the petitioner mentioned that it would be a vinyl structure.

Petitioner replied that he does not know where the canvas came from on the agenda. He explained the paperwork just said a tent. He does not know if the board is familiar with them but it comes from Shelters of America which is a huge manufacturer of these tents and it is a 14.5 ml. thick vinyl tent structure similar to what they would see at a concrete yard where they cover up, although this one would be completely enclosed.

Mr. Joseph stated so the cost of this structure meets the immediate needs and he was sure the petitioner evaluated that in terms of six month with all the problems the petitioner is having in other areas.

Petitioner replied yes.

Mr. Joseph asked how this enclosed area would negate the expense?

Petitioner replied that the items would be enclosed and out of the elements. He explained that what happens is the units sit outside and the sun and the weather beats on them so they wind up spending a lot of money having to replace seats and parts on the vehicles because they get damaged from the sun, rain and snow.

Mr. Joseph asked if the petitioner's request was date specific?

Petitioner replied that he would like to get the tent as soon as possible because they are getting into the summer and obviously the sun causes the worst damage on these vehicles.

Mr. Joseph stated that with regard to the date he did not mean when the petitioner wants the tent. He meant how long does the petitioner want the tent up? He asked if the petitioner was requesting the variance for 12 months or 6 months?

Petitioner answered that he would probably ask for 18 months and then back off from there. He stated that if the landlord agrees to let them expand the building it would take a little bit of time for completion of the project.

Mr. Yaschen asked if Mr. DeMaster from the Building Department had any problems with the variance?

Mr. DeMaster replied no because it's a temporary structure.

Mr. Yaschen stated that his main concern would be the time allowed. He mentioned that according to the regulations the board can only grant a 6 month variance for a temporary structure with the possibility of granting two six-month extensions. He asked if the board has the ability to grant that now or does the petitioner have to come back in six months?

Chairman Stepnak stated that the board could grant the variance for six months predicated on an administrative review by the Building Department. He explained that if there are no problems the petitioner would probably get an extension for six months and possibly another extension after that for six months.

Mr. DeMaster stated that the petitioner would still have to come back to the ZBA.

Chairman Stepnak stated yes and before the petitioner could come back we would want the Building Department to go out, inspect the area and give them a report on it. He asked Mr. DeMaster if the board would need to establish a bond on this one?

Mr. DeMaster replied yes, the petitioner would be required to put up a general commercial bond?

Chairman Stepnak asked Mr. DeMaster the value of that type of bond?

Mr. DeMaster answered that a general commercial bond is \$1,000.

Chairman Stepnak asked the petitioner if he received the communication from the Fire Department?

Petitioner replied no.

Chairman Stepnak gave him a copy of the communication and allowed the petitioner some time to review it. He asked the petitioner if he had any problem complying with the requirements from the Fire Department.

Petitioner replied no.

Mr. DeMaster asked if the vehicles would have any gas in them?

Petitioner replied no. If there would be anything in them it would be maybe a gallon that would be in the tank from the factory when they are assembled and delivered.

There were no Public Comments.

Chairman Stepnak stated that the ZBA wants to encourage business in the community and they understand the dilemma that Mr. Leonard brought them up to speed on. He mentioned that he drove by and realizes the petitioners need for a long term solution. He commented that the tent would be at the back of the building so it would not be a negative impact for the community. He stated that the board would probably approve the variance for six months and then after an administrative review the petitioner if needed could come back in front of the board for an extension. He stated that arbitrarily giving someone 18 months for a variance would not be in the best interest of the community.

Mr. DeMaster stated that the board is only allowed to grant variances on temporary storage for a six month period.

Mr. Klonowski commented that there is under Section B -Temporary Uses which states that temporary use variance shall not be granted for more than a 12 month period, but 12 month extensions may be permitted.

Mr. DeMaster stated that was referring to a temporary use variance. He explained this is a temporary structure variance which is limited to a six month time period.

Chairman Stepnak stated that the variance would be limited to a six month period with a possibility of extensions.

Mr. Leonard stated that he thought the company may want to relocate to accommodate their needs. He asked the petitioner how long they have been at their current location.

Petitioner replied that they have been there for 30 years.

Mr. Leonard commented that this have been a long time business in the community so they would like to see them stay and hopefully work something out with the landlord.

Mr. Joseph mentioned that the temporary use variance does not involve the erection of a structure so he would imagine that would be for maybe a car dealer who wanted to park cars outside in an area; so they would be asking for a variance but are not planning to put up a structure.

Chairman Stepnak remarked so that would be the difference between the 12 month variance for temporary use and the six month variance for a temporary structure.

Mr. Joseph replied yes.

Motion by Mr. Leonard to approve Petition # 2015-03 for a 26' x 52' vinyl tent enclosure for temporary outdoor storage of their off road vehicles for a six month period of time with a \$1,000 refundable bond with the understanding that if need be the petitioner can come back for an extension.

Supported by Mr. Yaschen

Chariman Stepnak asked Mr. Leonard to add to the motion that the petitioner must adhere to the Fire Department's regulations.

Mr. Leonard added to his motion that the petitioner must adhere to the list of 7 Fire Department regulations that he received and must also pull a permit with the Building Department.

Mr. Yaschen continued support.

Ayes: All

Nays: None

Motion Granted

5. OLD BUSINESS:

There was no old business.

6. NEW BUSINESS:

Mr. Yaschen stated that there was one variance on the agenda for the next meeting.

7. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the May 27, 2015 meeting.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

8. COMMENTS FROM THE FLOOR:

Mr. Joseph commented about the issue that was before the board two weeks ago and complimented the Building and Zoning Department Administrator, Mr. DeMaster, for the great job he did on this matter. He passed down pictures of the finished fence after the 15' / 45 degree angle at the edge for safety. In spite of the fact that the family was happy when they left the meeting there were some problems with the calculations and how it was measured and it involved multiple trips out to the home by the Building Department and the Township Supervisor. He mentioned that on Monday Mr. DeMaster went out and spent some time with the family and they determined where the 15' was measured from and because of Mr. DeMaster's hard work they kind of set a precedent on that because the statute is not real specific as to where the 15' starts from and it required some field work. He stated the result was he received a very nice email from the family and there was great feedback from the residents. He stated that is what the ZBA is shooting for to provide safety and while providing some degree of appropriate enforcement of the ordinances and that is important. He added that their goal as Mr. Lovelock has said on many occasions is to "Make our Township a great place to live, work and play."

9. ADJOURNMENT:

Motion by Mr. Yaschen to adjourn at 7:27 PM

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary