

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

June 24, 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:	James Klonowski, Vice-Chairman Thomas Yaschen, Secretary Carl Leonard, Planning Comm. Liaison Wendy Jones Patrick Militello
Absent:	Marvin Stepnak, Chairman, <i>excused</i> David Joseph, Twp. Board Liaison, <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 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 & Section #76-502, fast food restaurants w/a drive thru service, for a proposed retail and commercial (National Coney Island) use in a vacant building located at 27810 23 Mile Road. Tabled 5/13/15.

Tim Ponton, 27810 23 Mile Road, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was there for the site located at 27810 23 Mile Road in front of Lowe's, to the east of the site is Starbucks, to the west of the site is the White Castle and it is across the street from Applebee's and the Sunoco gas station. He mentioned that the site is approximately 1.5 acres and is located in a general business district. The existing building has been dark for some time. The building was originally a Ponderosa and after that it was a Chinese buffet. The developers would like to clean up the site and put up a building that will be 9,920 square feet. He explained that 4,000 square feet would be dedicated to National Coney Island and the remaining

5,920 square feet of the building would be designated for retail space. He explained that there are 92 parking spaces.

Mr. Yaschen stated that on the façade of the building there it shows the retail space as 5,920 square feet and it looks like it is split.

Petitioner mentioned that he was going to explain that. He gave a little history on their application and stated that originally they were requesting a fast food restaurant end cap on the east side with a drive-thru, along with National Coney Island on the west end cap at 4800 square feet and the retail user would have been in the middle. He explained that based on a number of meetings with the Planning Commission along with the Community Planner they agreed to move the National Coney Island to the eastern end cap and eliminate the fast food restaurant and drive thru. He commented that along with eliminating the fast food restaurant completely, they have reduced the National Coney Island from 4800 square feet to 4000 square feet and the remaining square footage would be dedicated as retail only. He added that, as you can imagine. This significantly reduced the amount of intensity at the site. He stated that they are requesting two variances: First for the number of parking spaces on the site and the second for a fast food restaurant because it would not be located in a free standing building. He mentioned that based on the fact that National Coney Island has been in business for over 20 years and with the number of stores they operate, they do know that with a restaurant of 4,000 feet of usable space that 55 parking spaces would be more than sufficient to meet their needs at this location. That would leave 37 spaces for the remaining retail which has not been dedicated as of yet, which would be approximately one space for every 160 square feet. He mentioned that Chesterfield requires one space for every 150 square feet which is very strict compared to national standards. He added that there have been some discussions with some retailers who would be very low generating users. He stated that the main user of the site would be the National Coney Island and they also own the site and they would certainly not want a parking lot their customers could not utilize. He mentioned that furthermore, the National Coney Island and the retailers would have different peak hours and the proposed use is within size, use and character and it is in harmony with the surrounding neighborhood and current zoning. The site proposes safe circulation and turning movements throughout the site and there are no possible nuisances emanating from the proposed development. He added that the location and height of the building would only enhance the development on adjacent properties and the proposed use is in harmony with all the physical and economic aspects of the adjacent lands. He stated that the proposed use provides convenience for the general public at this location. All public health, safety and welfare are protected within this development and the proposal does not cause any injury to property values within the vicinity. It is their opinion that the benefits associated with this development significantly outweigh any detriment associated with this and for that reason the criteria for these variances have been met.

Mr. Leonard stated that he has some good news in the fact that as far as Planning is concerned there are no real issues here. He mentioned that there are three variances listed on the paperwork because there is one for the ingress/egress but that is not a real issue. Preferably, they would be able to get access out the back through Lowe's but if that does not work, they could still get access out to Vergote.

Petitioner mentioned that he thought the third variance was eliminated since they are no longer requesting the two driveways at the front.

Mr. Leonard agreed that there was only one in and out at the front. He stated that Planning recommended that the variance be approved but they mentioned that the parking requirements are only one to 200 square feet, so they would only need 100 instead of 110 parking spaces; so the variances would only be for 8 parking spaces. So they recommended that if the variance is approved that the parking requirement and the zoning relief table be changed to reflect the one to 200 square feet.

Mr. Yaschen asked what would happen if they do not get the access with the Lowe's parking lot?

Petitioner replied that there is already a cross access so the worst case scenario would be that use the access at Vergote Drive.

Mr. Yaschen stated that road is closed off now. He asked so they would use Vergote if they do not get the access with Lowe's?

Petitioner replied yes.

Mr. Leonard commented that regardless it will be one or the other coming out the back.

Mr. Militello had no questions.

Ms. Jones had no questions.

Mr. Klonowski stated that there were no big issues with the parking and he does not see any problem with either variance. He asked Mr. DeMaster if there were any concerns from the Building Department?

Mr. DeMaster responded no they do not have any problems and he spoke to the Planning Administrator and she did not have any problems with the variances either.

There were no Public Comments.

Motion by Mr. Leonard to approve ZBA Petition #2015-02 for the variances requested. The only thing would be to change the parking requirements on the zoning relief table to reflect that the retail space would only be one parking space for 200 square feet which would leave 30 spaces required so the 30 plus the 70 for the restaurant would be a total of 100 spaces needed and so the variance would be for 8 Parking spaces.

Supported by Mr. Yaschen

Mr. DeMaster stated that the motion should reflect that they are not approving the ingress/egress as listed from the original request.

Mr. Leonard added to the Motion that the approval was only for two variances, one for the off street parking and the other for fast food free standing with the drive-thru.

Mr. Yaschen continued support

Ayes: All

Nays: None

Motion Granted

5. OLD BUSINESS:

There was no old business.

6. NEW BUSINESS:

There was no new business.

7. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the June 10, 2015 meeting.

Supported by Militello

Ayes: All

Nays: None

Motion Granted

8. **COMMENTS FROM THE FLOOR:**

Mr. Yaschen stated that he would probably be unable to attend the next meeting on July 8, 2015.

9. **ADJOURNMENT:**

Motion by Mr. Klonowski to adjourn at 7:19 PM

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary