

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

**August 12, 2015**

On August 12, 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  
Carl Leonard, Planning Comm. Liaison  
David Joseph, Twp. Board 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 #2015-10:** Richard Merrelli, 51700 Sass Road, Chesterfield, MI 48047. Requesting variance to Article IX, Agricultural and Residential Districts, Sec. 76-332, (e) minimum yard requirements, no one-family lot shall have a depth greater than three times its width located at the above address.

Richard Merrelli, 51700 Sass Road, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he wished to split his property into 2 two-acre parcels. He explained that the property is currently 258' street frontage and is 679' deep and he would like to make it identical to the properties north of him, which were split prior to the zoning changes. He stated that the property at the back is isolated by Fish Creek especially after it was dug out so the land is undevelopable. He remarked that it would make it easier to sell the property to split the land in two parts. He stated that if he just made it an L-shaped property he would lose the value of the back section.

Mr. Klonowski asked Mr. DeMaster to explain the reason for the three to one ratio?

Mr. DeMaster stated that it was put into place to avoid long narrow properties of land that were unusable.

Mr. Klonowski made a comment that was inaudible because of static.

Mr. DeMaster stated that Fish Creek goes right through the middle of the property.

Ms. Jones had no questions.

Mr. Joseph asked the petitioner if the creek going through the property created an unusual hardship?

Petitioner replied yes. He stated that Fish Creek was there when he purchased the property and then the County drained it out. He explained that there is no direct access to the back of the property except to use an extension ladder to get to the bottom of the creek, move it over to the other side and then climb up the other side. He related that the property goes all the way back to the VanThomme Nursery and then coming in off 23 Mile is the strip mall and parking lot, so there is no access there. He stated if the property is split it will be 2 two-acre lots. He reiterated that the parcels to the north of him had the 679 foot deep lots and were split before the change in the zoning ordinance.

Mr. Joseph asked Mr. DeMaster if this would pose any significant issue for the Building Department?

Mr. DeMaster replied no and several properties were split this way before the ordinance change.

Mr. Leonard stated that he drove by and in his opinion is if the property was left as a double lot it would look more out of place than splitting the property and having another house there.

Petitioner stated that the common impression is that it is a separate lot because he has had people come up while he is cutting the grass there and ask if the lot was for sale.

Mr. Yaschen had no questions.

Chairman Stepnak concurred with Mr. Leonard. He mentioned that back in the day a two acre parcel could have been split into a small subdivision. He stated that he does not see a road going through that area and with the low density in this area he does not see a problem with it.

There were no public comments.

**Motion** by Mr. Klonowski to approve Petition #2015-10. He stated that Fish Creek bisects the property which makes the back portion of the land unbuildable and approving the petition does not violate the intent of the ordinance.

**Supported** by Mr. Leonard

**Ayes: All**

**Nays: None**

**Motion Granted**

5. **ZBA PETITION #2015-11: MJC Chesterfield LLC 46600 Romeo Plank Suite #5 Macomb, MI 48044. Requesting a 14' rear yard setback variance for buildings #32, 36, 37 & 38 in Northpointe Condos, request will allow remaining units to each have a two car garage. Required setback is 50' proposed request is for 36' located on the west side of Carriage Way Dr., east side of Gratiot.**

John Monte, Project Control Engineering for MJC 2420 Port Tremble, Algonac, MI 48001 addressed the board.

Petitioner stated that this is a condo development that was started some time ago. It currently has 522 units and a good majority of the site has already been developed. He explained that the main infrastructure for the project has already been installed and the balance of the site that currently needs to be completed is 12 twelve-unit buildings. He stated that the site borders the off-ramp of I-94 at 23 Mile Road and it also borders Township property to the east; so there are no potential neighbors at the sides of this property. The developers fell on hard times with the economy and now they are going to complete the project, they feel that the condos should have two-car garages to increase their sales opportunities. He explained that in order to do that the buildings obviously need the garages to be widened. He stated that with the entire infrastructure such as sanitary sewers, storm sewers, and water main leads already installed the buildings location would not change, they would just move the garage walls out and everything else would remain the same. He stated that with the four of the buildings along the perimeter of the site the setback cannot be met. The setback is 50' and now it will only be 36' for four of the buildings (he stepped over to plans and pointed out the area) so they are looking for a 14' variance. He commented that they think the property is unique with its position and bordering I-94 off-ramp as well as bordering the Township property wetlands which they do not believe will ever be developed. He explained that with the unique shape and wetland conditions, they think it would be within the spirit and intent of the ordinance because they would still be providing a decent setback from the adjacent properties

Chairman Stepnak stated that this would have been in front of the Planning Commission at one time and he asked Mr. Leonard for his input.

Mr. Leonard stated that everything that the petitioner has said now was taken into account and the Planning Commission did not really see any problems with this.

Mr. Klonowski had no questions.

Ms. Jones had no questions. She commented that she agreed that the condos with the two-car garages would increase the petitioner's sales opportunities.

Mr. Yaschen had no questions.

Mr. Joseph stated that he did not see any other opportunity to do anything else with the area that he is proposing outside of what he is planning to do. This would not really make much of an impact on any development.

Mr. Leonard stated unless it offends the people that are driving on I-94. He stated that the economy is improving and this would not really affect the residents and would not cause any impact to the area.

**Public Comments:**

Paul Roman, 51807 Lionel, Chesterfield, MI addressed the board.

Mr. Roman stated that he was all for MJC finishing the development. However, he thought the area requested was originally part of Northpoint Meadows and was originally supposed to be 6 units for a total of 36 and the infrastructure is there for those units not the 72 that are being proposed. He also shared concerns about traffic flow and overcrowding of the pool. He also stated that he was concerned about security in this area with the garages sticking out.

Linda Wayne, 51622 Hale Lane, Chesterfield, MI addressed the board.

Ms. Wayne shared her concerns about the lack of water pressure that already exists in that area and she is not sure how they are going to tie in all of these additional units if they are building more units than were originally planned.

Carrol Kimball, 51865 Adler Park Dr. E., Chesterfield, MI 48051 addressed the board.

Ms. Kimball asked the board if these new units would be part of the Meadows which as this time is made up of only 84 units with their association and the Village is a separate condo association with over 200 units. She was also concerned about the impact the trucks would have on their already damaged roads.

Chairman Stepnak stated that when a developer comes to the community they see the Planning Commission. He mentioned that Mr. Leonard who is seated a few places over is also the liaison to the Planning Commission. He explained that when the

developer comes in they lay out what they are going to propose for the site. Also at that time it also goes through AEW, the Township Engineers, and they are the ones that review the dimension of the water pressure going to the site, etc. He explained that when that is in place the paperwork goes to the Planning Commission, it goes to the board and is approved when everything is in place. He stated that this happened a long time ago, before it got to this stage and what is before them was already approved on this site. He stated that the ZBA at this point is only looking at the aspect of the garages. They are not looking at the engineering of the water lines, that has been done and the Township engineers signed off on it. He stated that the Township does not really get involved in the condo association's paperwork and they cannot determine whether the new development will be part of the Village or part of the Meadows. He stated that decision would be up to the owner who develops the property at that time. He stated that as of right now the Zoning Board of Appeals would not be able to stop this project; the only thing they would be able to say is no to the two car garages and that is the only authority they have at this stage of the game. He asked Mr. Leonard if he was on the right path with that?

Mr. Leonard replied yes. At Planning they took into consideration everything from engineering, the input came in, there was a Public Hearing with audience participation and it seemed like the right way to move forward.

Chairman Stepnak stated that as a board they feel it would be better for the community and the condos would be more saleable with two garages and the owners would probably have two incomes and would be able to maintain the property. He added that as far as water and roads, the Township or the Macomb County Road Commission has no control over that. It is pretty much up to the condo association and their bylaws. He wished they could do something about their issues, but he reiterated that at this stage of the game there is nothing the ZBA can do to stop this project. He stated that the only thing they are looking at is the garages.

Ron Carlyle, 47200 Van Dyke, Shelby, MI 48317 addressed the board.

Mr. Carlyle brought up the issue with the lack of water pressure and problems with the sprinkler system and the grass is turning brown. They just want to make sure it is noted that the utilities were put in for half of what they are going to build.

There were no other Public Comments.

Ms. Jones stated that her son lives right where they are talking about and she has grandchildren that are there with the traffic. However, as Mr. Stepnak stated, they have no control of anything other than what they are there for which is the issue of the garages.

Mr. Joseph stated as the Township Board liaison he wanted to let the people know that the water pressure in general on the north end of the Township is something the board has been wrestling with and they have had considerable discussions about their relationship with the Detroit Water Board and how they can get increased pressure. He stated that steps have been taken on a Board level, so he just wanted the people to know this is not just a problem for their association, but with the entire north end. He explained that the project was approved for this exact number of units. He mentioned the owners would have developed the property if the market had afforded the demand but because of the economy the project was delayed. He stated that the ZBA was not looking at the number of units; that ship sailed. In essence, the number of units has already been approved, deliberated, plans were looked at, engineering looked at all these things and the only matter before the ZBA tonight is really the size of the garages. He mentioned that as he looked at the property he heard only one comment about security which was the only comment that addressed what was before this board which is the size and variance for the two-car garages. He stated that when he looked at the impact this would have, unless they would be concerned about the garages changing the scenery on I-94 they really do not have much to go on for denying this request. He added that this would enhance the project in terms of salability which is the only matter they are looking at. He stated the rest of the things are not really matters for the ZBA and it would be illegal for them to try to impact a rightful, proper and procedural build. He has heard their concerns about what the road will look like when the project is done and as the Township Board liaison, he will take note of some of the resident's concerns. But, he stated, in terms of moving forward, he does not see any reason why this board would not approve this variance.

**Motion** by Mr. Joseph to approve Petition # 2015-11 for the MJC Chesterfield LLC variance request as written.

**Supported** by Mr. Yaschen

**Ayes: All**

**Nays: None**

**Motion Granted**

**6. OLD BUSINESS:**

There was no old business.

**7. NEW BUSINESS:**

There was no new business.

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

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

**Supported** by Ms. Jones

**Ayes: All**

**Nays: None**

**Motion Granted**

**9. COMMENTS FROM THE FLOOR:**

There was a discussion among the board members about the Planning Conference in Detroit from October 7<sup>th</sup> thru the 9<sup>th</sup>. Board members who have attended in the past mentioned that they learned many things, came up with good ideas in regard to the Master Plan for our community and learned about what other communities are implementing in their areas.

Chairman Stepnak thanked Mr. Joseph for his input with the community this evening. He thought his comments were very beneficial.

Mr. Leonard thought when Mr. Joseph, as a Board Liaison, spoke it was comforting to the residents to hear he was going to have his eyes on it and there was some representation coming from this meeting on their behalf.

Mr. DeMaster stated that as far as the comment about security in that area, MJR's Condos are well lit and it is all on photoelectric. Therefore, he related that they should not be too concerned about security for the area.

**10. ADJOURNMENT:**

**Motion** by Mr. Yaschen to adjourn at 7:47 PM

**Supported** by Ms. Leonard

**Ayes: All**

**Nays: None**

**Motion Granted**

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*Thomas Yaschen, Secretary*

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*Grace Mastronardi, Recording Secretary*