

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

January 27, 2016

On January 27, 2016 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
Wendy Jones

Absent: Carl Leonard, Planning Comm. Liaison, *excused*
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 #2016-02:** Donald LaDuke who resides at 55600 Zuhlke Rd, Chesterfield, MI 48051. Petitioner is requesting a variance to be over the allowed square footage for a proposed addition to an existing pole barn located at the above address on a 7.75 acre parcel.

Donald LaDuke, 55600 Zuhlke Rd, Chesterfield MI 48047 addressed the board.

Petitioner stated that he was requesting to be over the allowable square footage on an existing pole barn. He explained that he was planning to put an addition on to his existing pole barn for storage of his lawn equipment.

Mr. Klonowski asked the existing size of the pole barn?

Petitioner replied that it is 40' x 60'.

Mr. Klonowski asked the petitioner the size of the addition to the pole barn?

Petitioner replied that he planned to put a 40' x 16' addition on to the barn.

Chairman Stepnak asked Mr. DeMaster if he had any objections to the variance?

Mr. DeMaster replied yes. He explained that the pole barn is already over the limit at almost double the allowable square footage. He mentioned that the petitioners already had a variance granted on the property in to get the pole barn as large as it is at the current time. He stated that when the first variance was granted in 1989 the pole barn was already almost double the allowable square footage and at this time the petitioner attempted to add on to the original structure without permits.

Ms. Jones had no comments at the time.

Mr. Yaschen asked if the petitioner just planned to build on to the existing pole barn?

Petitioner replied yes, he wanted to add on to the back of his existing pole barn. He explained that the addition would be at the back of his property and would not even be seen at the street.

Mr. Joseph asked the petitioner if he was aware that he was requesting a variance on a structure that was already granted a variance?

Petitioner replied that he did not know that his father had already been granted a variance for the pole barn when it was built. He explained that when he retired he purchased the property from his parents. He stated that he needs room to store all his equipment for the maintenance of the property. He mentioned that his parents live with his family in the summer and that they have five cars stored in the barn including his race car that he works on in his spare time. He needs the room for storage so he can put all his equipment inside, instead of storing it outdoors in the elements.

Mr. Joseph stated that he was the Township Board Liaison and he does try to grant people variances to use their property as they see fit. However, it becomes difficult to grant a variance on top of a variance.

Petitioner stated that in his neighborhood there are properties that have four 30' x 50' barns on the same size property as his. He reiterated that this addition would not even be seen from the road. He mentioned that his property was under power lines and he cannot hide his lawn equipment in the woods. He stated that he really needs more room to store his equipment because there is just not enough space in his pole barn.

Mr. Joseph stated that as the trustee liaison to the Zoning Board he is always looking for an opportunity to stand with the homeowner. It is their land and he wants everyone within reason to do what they want to do on their property. He has a tendency to lean in that direction. However, in this instance there was already a variance granted for the pole barn which is almost double the allowable size.

Mr. DeMaster stated that in the past there was an ordinance allowing larger barns on acreage that was used for farming and agricultural uses. He explained that the petitioner would be allowed a structure at 1700 square feet. The existing pole barn is already 3,200 feet and the petitioner want 3,800 square feet to collect more stuff.

Chairman Stepnak stated that there were representatives on the board from different areas on the community. He explained that Mr. Klonowski lives in an agricultural area and some others on the board live on the water front. He stated that eventually these areas will be developed and possibly change to residential and they do not want huge bars out there.

Petitioner mentioned that he did not think they could even split the properties in that area.

Chairman Stepnak stated that when a person requests a variance, they are asking for permission to break the rules. He explained that the petitioner has to present a practical difficulty in order for the board to grant a variance. He mentioned that if the petitioner needed to store farm equipment that might be a practical difficulty. However, in this case the current structure is large enough to house equipment to maintain the property.

Karl Mellenthin, 55460 Zuhlke Rd., Chesterfield, MI 48051 addressed the board.

Mr. Mellenthin made favorable comments and stated that he had no objections to the larger pole barn.

Juliana Mellenthin, 55460 Zuhlke Rd., Chesterfield, MI 48051 addressed the board.

Ms. Mellenthin stated that she had no problems with the larger structure and favored the board granting the variance for the petitioner.

Petitioner stated that he may have to move because he needs more room to store this equipment.

Motion by Mr. Klonowski to deny Petition # 2016-02 because it was contrary to the spirit and intent of the ordinance. He added that there was already one variance granted for the pole barn and the petitioner did not prove a practical difficulty in this matter.

Supported by Ms. Jones

Ayes: All

Nays: None

Motion Granted

Chairman Stepnak polled the board for additional comments.

Mr. Yaschen stated that he did not have any additional comments

Mr. Klonowski had no comments.

Mr. Yaschen had no additional comments.

Chairman Stepnak stated that in his opinion the structure was already large enough for storage of the lawn maintenance equipment.

Mr. Joseph commented that he makes every effort to accommodate residents as far as what they want to do on their property. However, in this instance there was already a variance granted for the structure and the size was excessive.

6. **OLD BUSINESS:**

There was no old business.

7. **NEW BUSINESS:**

Mr. Yaschen commented that the ZBA meeting scheduled for February 10th had been cancelled.

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

Motion by Mr. Yaschen to approve the minutes from the January 13, 2015 meeting.

Supported by Chairman Stepnak

Ayes: All

Nays: None

Motion Granted

9. **COMMENTS FROM THE FLOOR:**

Petitioner commented that he was not sure what he was going to do now because one way or another he needs more room.

1-27-16

Chairman Stepnak stated that Mr. Militello resigned from the ZBA because he was too busy with work and family obligations. He remarked that hopefully a new board member will be appointed to the ZBA very soon.

10. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:31 PM

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary